

POLITICIZING PUBLIC HEALTH: A FIFTY STATE SURVEY OF STATE HATCH ACTS AND THEIR IMPACTS ON PUBLIC HEALTH POLICY

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I. INTRODUCTION

“The aims of public health have often been compromised through political and legislative rhetoric resulting in tangible harm to the practitioners as well as the population served.”¹ One commentator has noted that “from sugary drinks to vaccines, and seatbelts to family planning—public health and politics have long intertwined.”² The inextricable intertwining of politics and public health has led to the misuse of public health officials and policies to legitimize and buttress political campaigns.³ This intertwining then raises three interesting

1. Christopher Ogolla, *First Do No Harm: The Manipulation of Public Health for Non-Public Health Purposes and Its Legal Consequences*, 50 IND. L. REV. 849, 850 (2017).

2. Carolyn Bernhardt, *The Politics of Public Health*, UNIV. OF MINN. (Fall 2022), <https://advances.umn.edu/fall-2022/the-politics-of-public-health/> [https://perma.cc/V4HM-CLUP] (noting that “[f]rom sugary drinks to vaccines, and seatbelts to family planning — public health and politics have long intertwined. But in recent years, that entanglement has become a gridlock.”).

3. See Christian Casale, *Florida Surgeon General to Campaign with Gov. Ron DeSantis in New Hampshire*, FLORIDA PHOENIX (Oct. 31, 2023, 2:53 PM), <https://floridaphoenix.com/briefs/florida-surgeon-general-to-campaign-with-gov-ron-desantis-in-new-hampshire/> [https://perma.cc/D4NT-UZY2].

questions: First, are there meaningful ways to separate politics from public health? Second, if not, should public health practitioners get involved in politics at all? Third, what are the implications for public health policy and practice?

Traditionally, one approach the government has taken to regulate the political involvement of public employees—which includes many public health practitioners who work for local, state, and federal government—is to enact laws restricting the ability of those employees to engage in various political activities. This is exemplified at the federal level by the Hatch Act,⁴ and at the state level through similar laws known as “State Hatch Acts” or “Little Hatch Acts” (collectively “State Hatch Acts”) because they are modeled after the Federal Act.⁵ But, whether these State Hatch Acts can prevent public health workers from getting involved in partisan politics is an open question. Although the State Hatch Acts apply to a wide swath of public employees, they only cover partisan, not nonpartisan, political activities.⁶ However, many of these acts do not clearly define what political activities are or even provide sanctions for violations. Finally, none specifically addresses public health. A review of the literature shows no specific publications on the impacts of the State Hatch Acts on public health policy and practice.⁷

This article seeks to fill this gap by: (1) carefully surveying the existence and contents of States’ Hatch Acts—and some regulations where applicable—with the goal of explaining their similarities and differences; (2) illustrating the dangers of politicizing public health policy both at the federal and state levels while at the same time acknowledging the essential role politics plays in public

4. 5 U.S.C. §§ 7323(a) and 7324(a); see also Rafael Gely & Timothy Chandler, *Restricting Public Employees’ Political Activities: Good Government or Partisan Politics?*, 37 HOUS. L. REV. 775, 777 (2000) (noting that “[g]enerally, government has taken two approaches to regulate the political involvement of public employees. One approach has been to enact laws restricting the ability of public employees to engage in various political activities (e.g., campaign, solicit contributions, or run for political office). This is exemplified at the federal level by the Hatch Act . . .”).

5. Shannon Azzaro, Note, *The Hatch Act Modernization Act: Putting the Government Back in Politics*, 42 FORDHAM URB. L.J. 781, 797 (2015) (noting that “[m]ost states have passed their own political activities laws, which have been commonly dubbed ‘Little Hatch Acts’ because they are typically modeled after the federal act”).

6. See *Bauers v. Cornett*, 865 F.2d 1517, 1524 (8th Cir. 1989) (noting in pertinent part “[w]e find no indication that Congress has at any time intended to restrict the nonpartisan political activities of State or local employees. We interpret the Hatch Act to cover only partisan political activity, that is, activity directed toward the success of a political party”).

7. A search on Westlaw using the terms “State Hatch Acts” results in about eight law review and journal articles published as of 2025. Using the search terms “Little Hatch Acts” results in thirty articles. Of those thirty, only three mention public health but mostly in passing. See, e.g., Azzaro, *supra* note 5, at 795 (“noting that “[a] majority of employees covered under the Hatch Act work in programs connected to important federal projects, such as those related to public health, public welfare, housing, urban development, public works, agriculture, defense, transportation, and law enforcement.”); Steven Eberhard, Note, *The Need for the Hatch Act*, 1 HARV. J.L. & PUB. POL’Y 153, 186 n.221 (1978); Robert Lind & Allan Ullberg, *Institutional Regulation of Employee Expression: Writings as a Conflict of Interest Within Museums and Related Nonprofit Institutions*, 32 SANTA CLARA L. REV. 427, 489 (1992) (discussing whistleblower statutes).

health practice; and (3) offering suggestions to how public health workers can address partisan policies that seek to undermine their work. The article proceeds as follows: Because State Hatch Acts often borrow various components from the federal statute,⁸ Part II of this article begins by discussing the impacts of politicization of public health at the federal level, and the inadequacy of the Federal Hatch Act in certain circumstances, such as when senior government officials violate the Act.⁹ Part III surveys the State Hatch Acts in the fifty states noting that whereas some of the laws restrict the ability of public employees to engage in political activities, most are permissive in nature, giving public health workers some leeway to participate in the political process.¹⁰ Part IV explains the implications of the State Hatch Acts on public health policy, noting that even though the State Hatch Acts are meant to restrict politics in public service, they are unlikely to depoliticize public health practice and policy, because while some of the laws are restrictive, many are permissive. Additionally, the lack of enforcement mechanisms in some of these statutes essentially renders them advisory.¹¹ In Part V, the article offers suggestions for the future including calling for public health practitioners to actively get involved in politics, and the importance of effective public health messaging during a health pandemic.¹² Finally, Part VI concludes by noting that although the involvement of public health officials in politics at the state and federal level does not portend well for the health of the nation, there is some value in public health officials getting actively engaged in politics and having a seat at the table, so to speak.¹³

II. POLITICIZATION OF PUBLIC HEALTH AT THE FEDERAL LEVEL

In early 2025, the Trump administration ordered the Centers for Disease Control and Prevention (“CDC”) and the Food and Drug Administration (“FDA”) to remove scientific data that promotes gender ideology from public view. One news outlet reported that:

. . . [C]ontent from the CDC’s Youth Risk Behavior Surveillance System, which includes data from a national survey, has disappeared; so have parts of the Agency for Toxic Substances and Disease Registry’s Social Vulnerability Index and the Environmental Justice Index. The CDC’s landing page for HIV data

8. Shelby Shearer, Note, *Unfollowing’ Undue Influence: The Inadequacy of The Hatch Act in the Age of Twitter and Congressional Solutions for Reform*, 96 TUL. L. REV. ONLINE 1, 17 (June 2022) (noting that “[t]hese provisions, often referred to as ‘Little Hatch’ Acts, vary by state and often borrow various components from the federal statute, demonstrating that there are multiple routes for the enforcement of executive branch ethics laws”).

9. See *infra* Part II.

10. See *infra* Part III.

11. See *infra* Part IV.

12. See *infra* Part V.

13. See *infra* Part VI.

has also vanished. And the agency's AtlasPlus tool, which contains nearly 20 years of CDC surveillance data on HIV, hepatitis, sexually transmitted infections, and tuberculosis, is down.¹⁴

In February 2025, Doctors For America sued the Office of Personnel Management (“OPM”), CDC, and FDA alleging that the defendants “removed from publicly accessible websites a broad range of health-related data and other information used every day by health professionals to diagnose and treat patients and by researchers to advance public health, including through clinical trials meant to establish the safety and efficacy of medical products.”¹⁵ A U.S. District Court Judge for the District of Columbia ruled in favor of the plaintiff's and ordered the OPM, CDC, and FDA to restore websites and datasets that had been taken down.¹⁶

The Trump Administration has also cut or sliced research funding from the programs not aligned with its vision. For example, the administration has canceled hundreds of grants supporting research on topics such as vaccination; diversity, equity, and inclusion;¹⁷ and the health of LGBTQ+ populations.¹⁸ Additionally, President Trump signed several executive orders impacting public health, such as withdrawing the United States from the World Health Organization (“WHO”);¹⁹ limiting gender ideology to two sexes only, male and female;²⁰ and reinstating the Mexico City Policy that ensures that U.S. taxpayer dollars do not fund organizations or programs that support or participate in the management of a program of coercive abortion or involuntary sterilization,²¹ to

14. Katherine Wu, *CDC Data Are Disappearing*, THE ATLANTIC (Jan 31, 2025), <https://www.theatlantic.com/health/archive/2025/01/cdc-dei-scientific-data/681531/> [<https://perma.cc/5YHV-RX79>].

15. See Complaint at 1, *Drs. for Am. v. Off. of Pers. Mgmt.*, No. 1:25-cv-00322 (D.D.C. Feb. 4, 2025), available at https://storage.courtlistener.com/recap/gov.uscourts.dcd.200B277069/gov.uscourts.dcd.277069.1.0_5.pdf [<https://perma.cc/KK3M-PPHU>].

16. See Memorandum Opinion, *Drs. For Am. v. Off. of Pers. Mgmt.*, No. 1:25-cv-00322 (D.D.C., Feb. 11, 2025), available at https://storage.courtlistener.com/recap/gov.uscourts.dcd.277069/gov.uscourts.dcd.277069.12.0_1.pdf [<https://perma.cc/KK3M-PPHU>].

17. Exec. Order No. 14,151, Ending Radical and Wasteful Government DEI Programs and Preferencing, 90 Fed. Reg. 8339 (Jan. 20, 2025).

18. Rae Ellen Bichell & Rachana Pradhan, *Beyond Ivy League, RFK Jr.'s NIH Slashed Science Funding Across States That Backed Trump*, KFF HEALTH NEWS (Apr. 17, 2025), <https://kffhealthnews.org/news/article/nih-grant-cuts-red-states-science-research-vaccines-hiv-trump-rfk/> [<https://perma.cc/C6HC-NRY7>].

19. See Exec. Order No. 14,155, Withdrawing The United States From the World Health Organization, 90 Fed. Reg. 8361 (Jan. 20, 2025).

20. See Exec. Order 14,168, Defending Women From Gender Ideology, Extremism and Restoring Biological Truth To The Federal Government, 90 Fed. Reg. 8615 (Jan. 20, 2025).

21. The White House, *Memorandum for the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Administrator of the United States for International Development*, THE WHITE HOUSE (Jan. 24, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/memorandum-for-the-secretary-of-state-the-secretary-of-defense-the-secretary-of-health-and-human-services-the-administrator-of-the-united-states-for-international-development/> [<https://perma.cc/QHE9-6FZS>].

mention but a few.

Not every cut to public health funding is driven by political or even partisan ideology. Indeed, in April 2025, a Kaiser Family Foundation Health Tracking Poll found that most of the public agree with the Trump administration that fraud, waste, and abuse are a problem in health care in the U.S, even if they disagree on whether the cuts will make any difference and on who is responsible for it.²² Additionally, about 40% of organizations whose grants the National Institutes of Health (“NIH”) cut in its first month of slashing are in states Trump won.²³ To the extent that these cuts are justified as efforts for reducing federal waste and improving government efficiency, this Article concedes that they are necessary. However, in a complaint filed by the American Public Health Association against the NIH seeking to restore funding to cancelled projects, plaintiffs allege, among others, that the NIH attempts to justify the ongoing ideological purge of hundreds of critical research projects because they assertedly have some connection to gender identity, Diversity, Equity, and Inclusion (“DEI”), or other vague, now forbidden language.²⁴ Among the defendants named in this lawsuit are Robert F. Kennedy Jr., in his capacity as the Secretary of the Department of Health and Human Services, and Dr. Jay Bhattacharya, in his official capacity as the director of the NIH.²⁵ But, what happens when federal officials themselves politicize public health? Put succinctly, the politicization of public health at the federal level is likely to lead to more polarization, and “polarization is a serious—if largely overlooked—determinant of health, whose impacts must be more thoroughly understood and mitigated.”²⁶

A. Federal Public Health Officials and Politics

The involvement of public health officials in partisan politics at the federal level does not portend well for the health of the nation. For example, Robert F. Kennedy Jr, the current Secretary for the Department of Health and Human Services is a well-known for his controversial and often unsupported health stances, including questioning the safety of vaccines, promoting drinking of raw milk, removing fluoride from drinking water, and stating that COVID “ethnically targeted white and Black people but not Ashkenazi Jews or Chinese

22. Grace Sparks et al., *KFF Health Tracking Poll April 2025: Public’s View on Major Cuts to Federal Health Agencies*, KFF.ORG, (May 1, 2025) <https://www.kff.org/medicaid/kff-health-tracking-poll-april-2025-publics-view-on-major-cuts-to-federal-health-agencies/>

23. Bichell & Pradhan, *supra* note 18.

24. See Complaint for Declaratory and Injunctive Relief at ¶116, Am. Pub. Health Ass’n v. Nat’l Inst. of Health, No 1:25-cv-10787 (D. Mass. Apr. 2, 2025). (In related case, a federal Judge issued a nationwide injunction against the funding cuts. See Memorandum and Order on Motion for Preliminary Injunction, Comm. Of Mass. v. Nat’l Inst. of Health, No 25-cv-10338 (D. Mass. Mar. 3, 2025), available at https://findfx.thomsonreuters.com/gfx/legaldocs/zgpojbqxnv/03052025nih_ruling.pdf).

25. See APHA Complaint, *supra* note 24, at ¶¶ 23, 25.

26. Jay J. Van Bavel et al., *Political polarization and health*, 30 NAT. MED. 3085 (2024).

people,”²⁷ to mention but a few of his unsubstantiated health claims. During a measles outbreak spanning multiple states with nearly 600 cases, Kennedy promoted the use of Vitamin A supplements as a cure,²⁸ even though this is not rooted in scientific evidence. According to the CDC, “Vitamin A does not prevent measles and is not a substitute for vaccination. Rather, Vitamin A supplementation has been found to reduce both overall measles mortality and pneumonia-specific measles mortality in children living in areas with high rates of vitamin A deficiency. In the U.S., prevalence of vitamin A deficiency is very low.”²⁹

Dr. Martin Makary, the current FDA commissioner, opposed COVID-19 mandates and other public health measures, and is likely to put political narratives ahead of science.³⁰ Interestingly, Makary himself has criticized health agencies under previous administrations for being too political.³¹ Dr. Jay Bhattacharya, director of NIH, was an outspoken critic of the COVID-19 lockdowns and mandates.³² Both doctors, Makary and Bhattacharya, now lead agencies they have previously criticized.³³ Whether the current public health

27. See Aria Bendrix, *RFK, Jr.’s controversial health stances, from vaccines to raw milk*, NBC NEWS (Nov. 15, 2024, 5:58 PM), <https://www.nbcnews.com/health/health-news/rfk-jr-health-stances-vaccines-fluoride-raw-milk-rcna180244> [<https://perma.cc/SD58-S245>].

28. Mary Kekatos, *RFK Jr. claims measles can be treated with vitamin A, linked to poor diet. Here’s what science says*, ABC NEWS (Mar. 14, 2025, 5:17 AM), <https://abcnews.go.com/Health/rfk-jr-claims-measles-treated-vitamin-linked-poor/story?id=119713193> [<https://perma.cc/357Q-YE4P>].

29. *Measles Treatment Overview*, CTRS. FOR DISEASE CONTROL & PREVENTION (May 2025), https://www.cdc.gov/measles/media/pdfs/2025/05/HCP_Caring-for-Patients-with-Measles_Fact-Sheet_FINAL_3.pdf [<https://perma.cc/87RX-Q767>].

30. Phie Jacobs, *Mixed reactions greet Trump’s pick of longtime FDA critic to head agency*, SCIENCE (Nov. 26, 2024, 3:00 PM), <https://www.science.org/content/article/mixed-reactions-greet-trump-s-pick-longtime-fda-critic-head-agency> [<https://perma.cc/JRR3-LE5E>] (noting that “although some public health experts are cautiously optimistic he will bring needed changes to FDA, others worry Makary, a frequent guest on Fox News, will put political narratives ahead of science”).

31. See *id.* (noting that “Makary has criticized health agencies under previous administrations for being too political; now others will judge whether he bows to pressure himself or ultimately emerges as an independent leader of FDA”).

32. See *Decision*, INGRAM V. ALBERTA (Chief Medical Officer of Health), 2023 ABKB 453, (Alberta, CAN., K.B. July 31, 2023) at ¶ 199 https://www.jccf.ca/wp-content/uploads/2023/08/2023-07-31-DECISION-Ingram-v-Alberta-Chief-Medical-Officer-of-Health-FILED-July-31-20238.pdf?mc_cid=15345efd14&mc_eid=0d5021d036 (noting that “Dr. Bhattacharya is strenuously opposed to mandatory health measures, testifying that in his opinion, mandates build mistrust in public health. . .”).

33. Rachel Roubein & Mark Johnson, *Trump Picks to Lead the FDA, NIH Confirmed By Senate*, WASH. POST (Mar. 25, 2025), <https://www.washingtonpost.com/health/2025/03/25/bhattacharya-nih-director-cdc-makary/> [<https://perma.cc/JJ4R-UW9V>] (noting that “[b]oth Makary and Bhattacharya will lead agencies they themselves have criticized and as Trump has pledged to restore public trust in both institutions”).

leadership will restore public trust in both institutions remains to be seen.³⁴ The risk of political interference in government research, however, is real.³⁵ But how to guard against such political interference, particularly in public health activities, is no easy task. Like most federal agencies, the Department of Health and Human Services leadership consists of both political appointees and career officials who work together to oversee agency operations and implement the administration's policy priorities.³⁶ Whereas career employees are subject to the limitations of the Hatch Act,³⁷ political appointees are not; the limitations of the Hatch Act are briefly explained below.

B. The Federal Hatch Act or Big Hatch Act

The politicization of government activities and services, such as public health, is not unprecedented.³⁸ In 1939, during Franklin D. Roosevelt's New Deal era, Congress passed "An Act to Prevent Pernicious Political Activities," more affectionately known as the "Hatch Act"³⁹ after its sponsor, Carl Hatch of New Mexico.⁴⁰ The federal Hatch Act ("Big Hatch Act") was instituted after learning that the Works Progress Administration ("WPA") was allowing local politicians to use its resources to fund congressional and senatorial campaigns during the 1938 election cycle.⁴¹ The Senate Campaign Expenditures

34. *See id.* (noting that Dr Bhattacharya "promised to regain trust in science by encouraging open debate and focusing the agency's resources on Alzheimer's disease, cancer and other chronic illnesses that have lowered the life expectancy of Americans").

35. Coral Davenport, *Trump Targeted Scientists in His First Term. This Time, They're Prepared*, N.Y. TIMES (Jan. 17, 2025), <https://www.nytimes.com/2025/01/17/climate/trump-government-scientists.html> [<https://perma.cc/K7P3-TG6R>] (noting that "[s]teps taken include the creation and expansion of scientific integrity policies at many federal agencies that detail how government scientists should conduct and publish research, what to do if political appointees try to block that work, and outline the penalties for violations").

36. *See* U.S. Gov't Accountability Off., CARES Act: Experts Identified Safeguards to Help Selected HHS Agencies Protect Against Potential Political Interference. GAO-23-106529 (Sept. 14, 2023), <https://www.gao.gov/products/gao-23-106529> [<https://perma.cc/GSU7-KAWX>].

37. 5 U.S.C. §§ 7323(a) and 7324(a).

38. Trevor G. Samaha, *The Impact of Political Party Control on Health Outcomes in U.S. States* (2025) (Ph.D. dissertation, West Virginia University) at 12, <https://researchrepository.wvu.edu/cgi/viewcontent.cgi?article=13518&context=etd> (noting that "The relationship between political ideologies and public health outcomes has long been a subject of scholarly inquiry."); Jaime Johnson, Note, *O'Hare Truck Service Inc. v. City of Northlake: Further Limiting the spoils of the victor*, 14 GA. ST. U. L. REV. 489 (1998) (noting that "American society has considered political patronage an inherent element of federal, state, and local government for nearly 200 years.").

39. 5 U.S.C. §§ 7323(a), 7324(a).

40. Whitney K. Novak, *The Hatch Act: A Primer*, CONG. RSCH. SERV. (Apr. 20, 2020), <https://sgp.fas.org/crs/misc/IF11512.pdf> [<https://perma.cc/AR8C-RTEA>].

41. David Porter, *Senator Carl Hatch and the Hatch Act of 1939*, 48 N.M. HIST. REV. 151, 152–53 (1973); *see also* David Asp, *Hatch Act of 1939*, FREE SPEECH CTR., <https://firstamendment.mtsu.edu/article/hatch-act-of-1939/> [<https://perma.cc/8NBK-8B3X>] (last updated July 9, 2024).

Committee Report showed that WPA funds had been diverted for political purposes primarily in Kentucky, Tennessee, and Pennsylvania.⁴² In Kentucky, WPA employees contributed \$24,000 to campaign funds for Senator Alban Barkley.⁴³ In Tennessee, Senator Thomas Stewart was found to have received funds from civil service employees due to intimidation and coercion.⁴⁴ So too, in Pennsylvania, Senator Joseph Guffey's name was used to illegally solicit funds through the mailing of letters.⁴⁵ In addition, many WPA workers were threatened with the loss of their job if they did not change their voter registrations from republican to democrat,⁴⁶ and considering the United States was in the throes of the Great Depression, such a threat was not to be taken lightly. As a result, the Hatch Act restricted the political activity of federal employees and in 1940, was later amended to apply to state and local employees who worked in connection with federally funded programs.⁴⁷ Under the Act's current iteration, federal employees may take an "active part in political management or in political campaigns," however, a federal employee may not (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election; (2) knowingly solicit, accept, or receive a political contribution from any person [subject to certain exceptions]; (3) run for the nomination or as a candidate for election to a partisan political office; or (4) knowingly solicit or discourage the participation in any political activity of particular persons.⁴⁸ Generally, there is a broad prohibition against participating in political activities while on duty.⁴⁹

In sum, the Hatch Act reduced the incidence of patronage practices at the federal level,⁵⁰ and "remains the primary means for limiting partisanship within the federal bureaucracy."⁵¹ However, the Hatch Act does not apply to all federal employees in the same manner. Instead, it designates employees to two categories, "less restricted" or "further restricted," with differing limitations on political activity.⁵² For example, less restricted employees "may take an active part in partisan political management or partisan political campaigns," and further restricted employees are "prohibited from engaging" in such activities.⁵³

42. Porter, *supra* note 41, at 153.

43. *Id.*

44. *Id.*

45. *Id.*

46. *Id.*

47. HATCH MODERNIZATION ACT OF 2012, S. REP. NO. 112-211, at 2170 (2012).

48. 5 U.S.C. § 7323(a)(1)–(4).

49. *See* 5 U.S.C. § 7324.

50. Johnson, *supra* note 38, at 493.

51. Jason Miller, Note, *The Unwise and the Unconstitutional Hatch Act: Why State and Government Employees Should Be Free To Run For Public Office*, 34 S. ILL. U. L.J. 313, 315 (2010).

52. *Federal Employee Hatch Act Information*, U.S. OFF. SPECIAL COUNS., <https://osc.gov/Services/Pages/HatchAct-Federal.aspx> [<https://perma.cc/4DGW-5GMY>] (last visited Jan. 3, 2026).

53. *Id.*

However, even within this framework, the Act's enforcement mechanisms are limited. In practice, senior government officials may not face any repercussions for violating the Act, making it inadequate in certain circumstances.⁵⁴ The same inadequacies can be observed at the state level too.

III. POLITICIZATION OF PUBLIC HEALTH AT THE STATE LEVEL

The entanglement of public health officials with partisan political issues is also observable at the state level. A prime example of this political tango occurred in Florida. During Governor Ron DeSantis' Republican primary presidential campaign, then Florida's surgeon general, Dr. Joseph Ladapo joined the Governor on the campaign trail in New Hampshire.⁵⁵ Dr. Ladapo was appointed as Florida's Surgeon General in September 2021,⁵⁶ after rapidly gaining attention due to his articles in the Wall Street Journal speaking out against medical mandates that had surfaced during the COVID-19 pandemic.⁵⁷ Florida's Surgeon General is the head of the Florida Department of Health, an agency of the executive branch, and is appointed by the Governor and confirmed by the State Senate.⁵⁸ As such, the Office of Surgeon General is intended to be divorced from partisan politics as the leading public health official in the state.⁵⁹ However, prior to joining DeSantis on the campaign trail, Dr. Ladapo's appointment was construed to be political reward for his sentiments against widely recommended medical mandates aligned with Florida's Republican initiatives.⁶⁰ In his contentious confirmation hearing, many Florida Democratic state senators walked out of the hearing after he refused to provide direct

54. See e.g., Ian Hargreaves, Note, *Hatching A Plan: Filling the Enforcement Gap in the Hatch Act and the Extraordinary Case of KellyAnne Conway*, 21 U.C. DAVIS BUS. L. J. 225, 233 (2021) (noting that "[i]n using her taxpayer funded federal position to advocate for the President's election campaign, Ms. Conway directly contradicted the Hatch Act's purpose. Nonetheless, following OSC's June 2019 report and the letter of recommendation in which OSC advocated for Ms. Conway's termination from federal employment, President Trump refused to enforce any kind of discipline."); Shearer, *supra* note 8, at *16 (noting that "While there have been over thirty-six high-ranking members of the Trump Administration who have contributed to over one hundred and fifty alleged Hatch Act violations, the prevalence of violations without consequences is not a problem specific to this particular administration.").

55. Casale, *supra* note 3.

56. Annie Wang, *3 years into tenure and state surgeon general remains controversial*, THE INDEP. FLA. ALLIGATOR (Sept. 12, 2024), <https://www.alligator.org/article/2024/09/surgeon-general-ladapo-approaches-three-year-uf-tenure> [<https://perma.cc/7NUC-A8CK>].

57. Joseph A. Ladapo, *Vaccine Mandates Can't Stop Covid's Spread*, WALL STREET J. (Sept. 16, 2021, 6:48 PM), <https://www.wsj.com/articles/vaccine-mandate-covid-19-unvaccinated-breakthrough-delta-boosters-fluvoxamine-antibodies-11631820572?st=fjut6vs85bemxum&reflink=desktopwebshare> [<https://perma.cc/PWE7-64WR>].

58. FLA. STAT. § 20.43; see also *About Us*, FLA. HEALTH, <https://www.floridahealth.gov/about/index.html> [<https://perma.cc/K63J-4ZA5>] (last visited Jan. 3, 2026).

59. *Id.*

60. Anthony Izaguirre, *Florida Surgeon General Confirmed Despite Controversy*, AP NEWS (Feb. 23, 2022), <https://apnews.com/article/coronavirus-pandemic-health-florida-ron-desantis-ccea6d2ca421f837257b08cb0efe7b4c> [<https://perma.cc/VA9G-T6VU>].

answers on his stance to various public health initiatives. Despite this intransigence, he was confirmed on party line vote by the majority Republican senate.⁶¹

Since his appointment and confirmation, Dr. Ladapo has been accused of altering the results of a state driven study regarding the efficacy and safety of COVID-19 vaccines by falsely concluding that the vaccines posed high cardiac risks to young men despite the original results stating otherwise.⁶² In 2022, Dr. Ladapo advised against vaccinating children against COVID, contradicting federal public health leaders who recommend all children get the vaccine.⁶³ The Florida chapter of the American Academy of Pediatrics called the move “irresponsible.”⁶⁴ Many in the medical community have scrutinized Dr. Ladapo for his debunked claims, specifically regarding COVID-19 health initiatives.⁶⁵

Louisiana Surgeon General, Dr. Ralph Abraham has repeated misinformation about COVID-19 vaccine safety and the debunked link between vaccines and autism. He has stated that “masking, lockdowns and vaccination requirements were practically ineffective,” that COVID vaccine adverse effects have been “suppressed,” that “we don’t know” whether blood from people who’ve been vaccinated is safe for donation, and that “we hope and pray COVID vaccines don’t increase the risk of miscarriages.”⁶⁶ This views seems to align with Louisiana’s Governor Jeff Landry, who during his term as Attorney General, criticized the state’s COVID response and filed lawsuits over federal and state vaccine mandates.⁶⁷ As recently as 2025, Dr. Abraham issued a memo instructing the Louisiana Department of Health (“LDH”) staff to stop encouraging mass vaccinations. He wrote that “[t]he State of Louisiana and

61. Steve Contorno, *Florida Surgeon General Favorable Recommended after Democrats Walk Out of Confirmation Hearing*, CNN (Jan. 26, 2022), <https://www.cnn.com/2022/01/26/politics/joseph-ladapo-florida-surgeon-general-confirmation/index.html> [https://perma.cc/7XKR-DV28].

62. Arek Sarkissian, *Florida surgeon general altered key findings in study on Covid-19 vaccine safety*, POLITICO (Apr. 24, 2023), <https://www.politico.com/news/2023/04/24/florida-surgeon-general-covid-vaccine-00093510> [https://perma.cc/HT6W-69GU].

63. To be fair, in May 2025, the Department of Health and Human Services stopped recommendation of routine COVID-19 vaccines for pregnant women and healthy children. See Lena Sun, *CDC blindsided as RFK Jr. changes Covid-19 vaccine recommendations*, WASH. POST (May 28, 2025), <https://www.washingtonpost.com/health/2025/05/28/vaccines-cdc-rfk-jr-covid/> [https://perma.cc/VE8U-6922].

64. Maria Godoy, *What happens when a vaccine skeptic leads health policy? Ask Florida*, OPB (Nov. 14, 2024, 7:21 PM), <https://www.opb.org/article/2024/11/14/pediatricians-worry-rfks-vaccine-skepticism-will-influence-trump-health-policy/> [https://perma.cc/J8SW-HQA7].

65. Nina Golgowski, *Florida Surgeon General Cites Debunked Claims in Calling for Halt of COVID Shots*, THE HUFFINGTON POST (Jan. 4, 2024), https://www.huffpost.com/entry/joseph-ladapo-halt-covid-vaccines_n_6596c6bfe4b0bf73e1788bc6 [https://perma.cc/9E8Y-BZ9V].

66. Rosemary Westwood, *Louisiana forbids public health workers from promoting COVID, flu and mpox shots*, NPR (Dec. 20, 2024), <https://www.npr.org/sections/shots-health-news/2024/12/20/nx-s1-5223440/louisiana-ban-public-health-promoting-covid-flu-mpox-vaccines-landry-rfk-jr-anti-vaccine> [https://perma.cc/2G73-RFB4].

67. *Id.*

LDH have historically promoted vaccines for vaccine preventable illnesses through our parish health units (PHUs), community health fairs, partnerships and media campaigns. While we encourage each patient to discuss the risks and benefits of vaccination with their provider, LDH will no longer promote mass vaccination.”⁶⁸ This announcement was made, despite a surge of influenza cases in Louisiana.⁶⁹

In Montana, Dr. Annie Bukacek, a member of the Flathead City-County Board of Health, gained national attention for her views challenging the COVID-19 death toll, attending protests against COVID vaccinations, and organizing a protest against one of the city’s state-of-emergency declarations at the start of the pandemic.⁷⁰ Dr Bukacek was among a group of rural doctors who emerged as a huge source of misinformation. In December 2021, a group of Montanans filed a complaint against Dr Bukacek with Montana’s medical compliance unit, alleging that she questioned the accuracy of COVID-19 death certificates, discredited PCR testing, and—by virtue of her medical credentials and position on the Flathead City-County Board of Health—encouraged community participation in anti-masking efforts that endangered public health.⁷¹ Dr Bukacek later resigned from the Flathead City-County Board of Health to run for an elected position with the Montana Public Service Commission.⁷²

Finally, in Texas, the Texas Maternal Mortality and Morbidity Review Committee chose not to review pregnancy and childbirth related deaths from the first two years after the state banned almost all abortions—2022 and 2023—and instead began its analysis with data from 2024.⁷³ The committee studies maternal deaths to better understand why so many women are dying or nearly dying from pregnancy and childbirth in Texas.⁷⁴ Many researchers and

68. See Memorandum from Dr. Ralph Abraham on Public Health and Vaccines at LDH (Feb. 13, 2025), <https://www.brproud.com/wp-content/uploads/sites/80/2025/02/LDH-Vaccine-Policy-2025.pdf> [https://perma.cc/UD5N-YK48].

69. See Ramon Antoni Vargas, *Republican senator who voted for RFK Jr balks at Louisiana anti-vaccine move*, THE GUARDIAN (Feb. 16, 2025), <https://www.theguardian.com/us-news/2025/feb/16/louisiana-vaccines-rfk-jr> (noting that “[t]he announcement came as Louisiana grappled with a surge in cases of influenza, for which safe, effective vaccines that limit the spread and severity of the virus are offered seasonally”).

70. Matt Baldwin, *Bukacek resigns from Flathead County health board*, DAILY INTER LAKE (Mar. 17, 2022), <https://dailyinterlake.com/news/2022/mar/17/bukacek-resigns-flathead-county-health-board/> [https://perma.cc/27CB-873F].

71. Rob Kuznia et al., *They take an oath to do no harm, but these doctors are spreading misinformation about the Covid vaccine*, CNN (Oct. 20, 2021), <https://dailyinterlake.com/news/2022/mar/17/bukacek-resigns-flathead-county-health-board/> [https://perma.cc/3TCQ-AM28].

72. Montana Public Service Commission, *Commissioners*, MONT. PUB. SERV. COMM’N., <https://psc.mt.gov/About-Us/Commissioners/> [https://perma.cc/TN65-JJUM] (noting that Dr. Annie Bukacek was elected to the Public Service Commission November 8, 2022.) (last visited Jan. 27, 2026).

73. Eleanor Klibanoff, *U.S. House members want answers on Texas’ decision to not review maternal deaths after near-total abortion ban*, TEX. TRIBUNE (Dec. 19, 2024), <https://www.texastribune.org/2024/12/19/texas-congress-maternal-mortality/> [https://perma.cc/V32V-TRTN].

74. *Id.*

reproductive health care advocates anticipated an increase in maternal mortality as a result of new abortion restrictions.⁷⁵ Instead, the committee skipped 2022 and 2023 to paint a rosy picture. It has been alleged that by skipping the two years after the Supreme Court's *Dobbs* decision,⁷⁶ the committee was trying to "bury the truth of abortion-ban related deaths."⁷⁷

These examples from Florida, Louisiana, Montana and Texas, to mention but a few, illustrate the dangers of politicizing public health activities to the detriment of population's health.⁷⁸ In Texas for example, the decision not to report the maternal deaths in the two years after *Dobbs* likely skewed reproductive health data in the state, and possibly influenced funding decisions tied to that data. One commentator has noted that "[t]he extent to which a particular occupational category is dependent on state funds seems to correlate with the stringency of limitations placed on its political activity."⁷⁹ Notably, prior to the committee taking this action, Texas legislators had allocated money to create a new maternal death tracking system with the goal of ending the state's participation in national data sharing.⁸⁰

These patterns then raises the broader question of whether adequate state laws, similar to the federal Hatch Act, exist to curtail the political activities of unelected state and local public health employees. Enter "State Hatch Acts," or "Little Hatch Acts".

A. State Hatch Acts

In the United States, most of the fifty states have enacted equivalents of the Hatch Act.⁸¹ Many of them prohibit "(1) using official authority or influence to interfere or affect the results of an election; (2) soliciting financial or manpower contributions from any political organization or candidate; (3) campaigning for partisan positions in government; and (4) engaging in political activities while on duty, in uniform, or on government property."⁸² The following is a fifty state

75. *Id.*

76. See *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022) (overruling *Roe v. Wade* and holding that the Constitution does not confer a right to abortion).

77. See Klibanoff, *supra* note 73 (citing U.S. Rep. Jasmine Crockett of Dallas and noting that "Crockett said Texas was trying to 'bury the truth' of abortion-ban related deaths.").

78. See Matt Dixon, *2 top public health positions in Ron DeSantis' administration are vacant*, NBC NEWS (July 6, 2023), <https://www.nbcnews.com/politics/2024-election/2-top-public-health-positions-ron-desantis-administration-are-vacant-rcna92120> [https://perma.cc/VCM8-CXZU] (citing APHA director Georges Benjamin and noting that "Florida has a health department that has been seriously politicized and the support of good public health systems in Florida has been reported to be eroding over the past several years")

79. See Richard L. Abel, *Law Without Politics: Legal Aid Under Advanced Capitalism*, 32 UCLA L. REV. 474, 617 n.816 (1985) (on file with author).

80. Klibanoff, *supra*, note 73.

81. *Prohibitions on Political Activity for Legislative Staff*, NAT'L CONF. OF STATE. LEG., <https://www.ncsl.org/ethics/staff-and-political-activity-statutes> [https://perma.cc/B6X4-CXCP] (last updated Dec. 3, 2024).

82. Gely & Chandler, *supra* note 4, at 791.

survey of each States Hatch Act and some regulations where applicable, and what is generally forbidden or permitted.

1. Alabama

Generally, in Alabama, state employees are encouraged to participate in political activities including endorsing candidates of their choosing and contributing to those campaigns. However, if a state employee chooses to run for political office, the employee is required to either take an unpaid leave of absence or use accrued leave from the date the employee qualifies as a candidate. This requirement continues until the election results are certified, the employee is no longer a candidate, or there are no other candidates on the ballot. Any employee who violates this subsection shall forfeit his or her employment position. In no event shall this subsection apply to elected officials.⁸³ Another limitation is that no person shall use or promise to use any official authority or influence to secure or attempt to secure for any person an appointment or advantage in appointment to a position, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.⁸⁴ Alabama has further restrictions prohibiting the use of state funds for political purposes by state employees,⁸⁵ and also limits on-duty state employees from engaging in political activity.⁸⁶ However, if a state employee is considered to be in a “classified service position” as defined by statute,⁸⁷ then the employee may not be a member of any national, state, or local committee of a political party or an officer of a partisan political club or a candidate for nomination or election to any public office or take any part in the management or affairs of any political party or in any political campaign, except on his personal time and to exercise his right as a citizen privately to express his opinion and to cast his vote.⁸⁸

2. Alaska

Comparatively, Alaska’s statutes prohibiting political activities by state employees from engaging in political activities is far stricter than many. However, the statutes are limited to “legislators and legislative employees” rather than just state employees.⁸⁹ “Legislative employee” is defined as, a

83. ALA. CODE § 17-1-4 (2025).

84. *See* ALA. CODE § 45-37-121.22 (2025); *accord* ALA. CODE § 36-26-38 (2025).

85. ALA. CODE § 17-17-5(a) (2025).

86. ALA. CODE § 17-1-4(c) (“When off duty, out of uniform, and acting as a private citizen, no law enforcement officer, firefighter, or peace officer shall be prohibited from engaging in city, county, or state political activity or denied the right to refrain from engaging in political activity so long as there is compliance with this section”).

87. *See* ALA. CODE § 36-26-10 (2025).

88. ALA. CODE § 36-26-38 (2025).

89. *See* ALASKA STAT. § 24.60.030 (2025).

person, other than a legislator, who is compensated by the legislative branch in return for regular or substantial personal services, regardless of the person's pay level or technical status as a full-time or part-time employee, independent contractor, or consultant; it includes public members and staff of the committee; it does not include individuals who perform functions that are incidental to legislative functions, including security, messenger, maintenance, and print shop employees, and other employees designated by the committee.⁹⁰

Under Alaska's Legislative Ethics Act's prohibited conduct and conflicts of interest, legislators and legislative employees are prohibited from engaging in a number of actions, including a general prohibition against assisting with partisan political activities, using funds for a non-legislative purpose, and disseminating communications intended to influence the election of a candidate in public areas of state government buildings.⁹¹ Further, upon pursuing political office, an individual must take a leave of absence prior to engaging in campaign activities.⁹² Additionally, Alaska has specific rules regarding where, when, and from whom legislators may solicit and accept campaign funds.⁹³ Another statute places limitations on political activities of employees of vocational rehabilitation programs, stating that "[a]n officer or employee may not solicit or receive, and an officer or employee may not be obliged to contribute or render, a service, assistance, subscription, assessment, or contribution for a political purpose. An officer or employee violating this section is subject to discharge or suspension."⁹⁴

3. *Arizona*

Arizona's version of the Hatch Act matches closely with federal law.⁹⁵ Under Arizona law, state employees may not use their position with the state government to endorse a political candidate, use their authority to influence or coerce political action on behalf of any party, nor may state employees solicit funds or political action on behalf of any party.⁹⁶ Furthermore, public organizations are prohibited from participating in any form of political activity or being employed directly or indirectly for political purposes.⁹⁷ In addition to the typical punishment of suspension or dismissal, Arizona has added an additional civil penalty for violating campaign solicitation rules in the amount of three times the contribution.⁹⁸

90. ALASKA STAT. § 24.60.990(a)(11) (2025).

91. *See* ALASKA STAT. § 24.60.030 (2025).

92. *Id.* at § 24.60.030(h).

93. *See* ALASKA STAT. § 24.60.031 (2025).

94. *See* ALASKA STAT. § 23.15.200 (2025).

95. *See* ARIZ. REV. STAT. ANN. § 41-752 (2025).

96. *Id.*

97. ARIZ. REV. STAT. ANN. § 26-315 (2025).

98. ARIZ. REV. STAT. ANN. § 41-752(I).

4. Arkansas

Under Arkansas law, public servants are prohibited from, among other things, campaigning or working on their campaigns during business hours and improperly influencing or attempting to unlawfully influence the appointment or election of a candidate. Additionally, state employees may not participate in partisan political activities while in office, or unduly influence or coerce political activity on part of any party.⁹⁹ It is also unlawful for any public servant to use any office or room furnished at public expense to distribute letters, circulars, or other campaign materials, unless such office or room is regularly used by members of the public without regard to political affiliation, and for any public servant to use for campaign purposes any item of personal property provided with public funds.¹⁰⁰ If there is a violation of this law, the violating individual will either be ineligible to hold public office in the state and if the person is a state employee, they will be subject to immediate dismissal.¹⁰¹ Arkansas also provides criminal sanctions for violations of its election code.¹⁰² Other political activity limitations include those placed on officers of rehabilitation programs¹⁰³, civil service employees for cities of 20,000 to 75,000 people¹⁰⁴, and employees of cities of over 75,000 people.¹⁰⁵

5. California

Unlike many other states, California does not generally prohibit partisan political activities of its public employees while in office.¹⁰⁶ State and local employees are permitted to participate in all political activities so long as it does

99. ARK. CODE ANN. § 7-1-103 (2025).

100. *Id.* at § 7-1-103(a)(3).

101. *Id.* at § 7-1-103(b).

102. *See generally* ARK. CODE ANN. § 7-1-103(b)(1) (2025) (providing in pertinent part “(b)(1) [e]xcept as otherwise provided, the violation of any provision of this section shall be a Class A misdemeanor”).

103. ARK. CODE ANN. § 20-79-212 (2025).

104. ARK. CODE ANN. § 14-50-306 (2025).

105. *See* ARK. CODE ANN. § 14-49-306 (2025) (“ . . . [N]o employee in any department affected by this chapter shall engage in the solicitation of any subscription funds or assessments or contribute thereto for any political party or purpose . . . [A]n employee shall not be connected with any political campaign or political management except to cast his or her vote and to express his or her personal opinion privately”).

106. CAL. GOV’T CODE § 3203 (2025) (“Except as otherwise provided in this chapter, or as necessary to meet requirements of federal law as it pertains to a particular employee or employees, no restriction shall be placed on the political activities of any officer or employee of a state or local agency”); *accord* CAL. EDUC. CODE § 7052; *see also* CAL. LAB. CODE § 1101 (2025) (“[N]o employer shall make, adopt, or enforce any rule, regulation, or policy: (a) forbidding or preventing employees from engaging or participating in politics or from becoming candidates for public office, (b) controlling or directing, or tending to control or direct the political activities or affiliations of employees”).

not violate federal law.¹⁰⁷ In addition, California has comparatively lenient rules with regard to solicitations for campaign fundraising in that it only prohibits solicitations—either directly or indirectly—from employees of an agency, unless the solicitation is made to a “significant segment of the public which may include officers or employees of that local agency.”¹⁰⁸ The statute states that “[a] state officer or employee shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a state officer or employee.”¹⁰⁹ The statute further enumerates other prohibited actions, none of which are specific to engaging in political activities.¹¹⁰ However, section 3204 of the Code prohibits anyone who holds or who is seeking election or appointment to any office or employment in a state or local agency, from using, promising to use, any office or authority to confer upon or secure for any individual person, any position, nomination, confirmation, promotion, or change in compensation on condition that the vote or political influence or action of such person or another shall be given for the benefit of any candidate, officer, or party, or upon any other corrupt condition or consideration.¹¹¹

6. *Colorado*

Under Colorado law, “[e]mployees in the state personnel system shall be selected without regard to political considerations; shall not use any state facility or resource or the authority of any state office in support of any candidate; and shall not campaign actively for any candidate on state time or in any manner calculated to exert the influence of state employment.”¹¹² The state also prohibits its political subdivisions from making any contribution in campaigns involving the nomination, retention, or election of any person to any public office or state ballot issues and measures.¹¹³ However, the rule does not bar a member or employee of any such political subdivision from responding to questions about any such issues if the member, employee, or public entity has not solicited the question, nor are they barred from expending personal funds, making contributions, or using personal time to urge electors to vote in favor of or against any issues.¹¹⁴

7. *Connecticut*

Under Connecticut law, an employee in the “classified service” is prohibited

107. CAL. GOV’T CODE § 3203 (2025).

108. CAL. GOV’T CODE § 3209 (2025).

109. CAL. GOV’T CODE § 19990 (2025).

110. *See id.*

111. CAL. GOV’T CODE § 3204 (2025).

112. COLO. REV. STAT. ANN. § 24-50-132 (2025).

113. COLO. REV. STAT. ANN. § 1-45-117 (2025).

114. *Id.*

from: (1) using his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; or (2) directly or indirectly coercing, attempting to coerce, commanding or advising a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.¹¹⁵

Classified service is loosely defined as “every office or position in the state service, whether full-time or part-time, for which compensation is paid, except those offices and positions specified in section 5-198 or otherwise expressly provided by statute.”¹¹⁶ However, section 5-198 enumerates all twenty-nine (29) unclassified positions in the state, including all employees of the judiciary.¹¹⁷ Despite the judiciary’s general “unclassified” status, if a member of the judiciary or any other classified service employee for that matter, wants to run for elective office, he or she must take a personal leave of absence that is not to exceed “two consecutive terms of such office or for a period of four years, whichever is shorter.”¹¹⁸ Further, if the employee is elected into office, he or she must formally resign from his or her position prior to accepting the elected position.¹¹⁹ If a classified employee is found to have violated any of the provisions in section 5-266(a), the Commissioner of Administrative Service has the power to discipline the employee, and unlike its federal counterpart, wields more discretion in punishment in that the commissioner “may dismiss such employee from state service.” If the “commissioner finds that the violation does not warrant removal, the commissioner may impose a penalty on such employee of suspension from such employee’s position without pay for not less than thirty days or more than six months.”¹²⁰

The Office of State Ethics also prohibits certain activities that may run afoul of the Connecticut Code of Ethics. For example, there is a conflict of interests which precludes a person in state service from holding or continuing to hold elective municipal office when the State Constitution or a provision of the General Statutes prohibits a classified State employee or a person employed in the judicial department from: seeking or holding the municipal office or the classified state employee has an office or position which has discretionary power to remove the incumbent of the municipal office; approve the accounts or actions of the municipal office; institute or recommend actions for penalties against the incumbent of the municipal office incident to the incumbent’s election or performance of the duties of said office.¹²¹

8. Delaware

Under Delaware law, there is a general prohibition against using official

115. CONN. GEN. STAT. § 5-266a (2025).

116. CONN. GEN. STAT. § 5-196(6) (2025).

117. CONN. GEN. STAT. § 5-198 (2025).

118. CONN. GEN. STAT. § 5-266a(c) (2025).

119. *Id.*

120. CONN. GEN. STAT. § 5-266d (2025).

121. CONN. AGENCIES REG § 5-266a-1 (2025).

authority to influence, whether directly or indirectly, “the vote or political action of any person, or for any consideration.”¹²² Similar to other states, only those employed in “classified service” may not engage in any political activity or solicit contributions while engaging in business on behalf of the state.¹²³ Classified service is broadly defined as “all other state employment” as the statute lists twenty-five (25) enumerated exemptions including “all judges and employees of the state judicial branch,” “casual employees,” “dental director,” and “chief physician.”¹²⁴ However, the statute does not prohibit classified service employees from engaging in political activity, such as running for office, while employed with the state unlike other state and federal counterparts.¹²⁵ Interestingly, the statute provides for a general prohibition of all persons from inducing those in the classified service from contributing or subscribing to a particular political party under the guise that it may affect their employment with the state.¹²⁶ Despite its leniency, the penalties under the Delaware statute are more stringent as a violation of the section requires the individual to forfeit his or her position and will be ineligible for any other position with the state for a maximum of one (1) year.¹²⁷ Delaware also limits the political activities of law enforcement officers. The statute states that although law enforcement officers have the same rights to engage in political activity as are afforded to any other person, the right to engage in political activity shall not apply to any law-enforcement officer while on duty or when acting in an official capacity or while in uniform.¹²⁸

9. *District of Columbia*

While the District of Columbia (“D.C.”) is not a state, it too has contributed to the body of law prohibiting its employees from engaging in political activity.¹²⁹ Under D.C. law, a district employee may not engage in political activities, including soliciting, receiving, and making political contributions, while on duty.¹³⁰ Similarly, district employees may engage in general political activity such as voting, but may not run as a candidate nor use their official authority to improperly influence others to affect the result of an election.¹³¹ The enforcement provisions state that “[a] violation of this chapter shall constitute a violation of the Code of Conduct as defined in § 1-1161.01(7), and shall be enforceable by the Board in accordance with Chapter 11A of this

122. DEL. CODE ANN. tit. 29, § 5954(a) (2025).

123. DEL. CODE ANN. tit. 29, § 5954(b) (2025).

124. *See* DEL. CODE ANN. tit. 29, § 5903 (2025).

125. *See* DEL. CODE ANN. tit. 29, § 5954 (2025).

126. *Id.* at (c).

127. *Id.* at (d).

128. DEL. CODE ANN. tit. 11 § 9200(a) (2025).

129. *See generally* D.C. CODE § 1-1171.03 (2025).

130. D.C. CODE § 1-1171.02 (2025).

131. *Id.*

title.”¹³² A civil penalty is imposed for a violation of the Code of Conduct of not more than \$5,000 per violation, or three times the amount of an unlawful contribution, expenditure, gift, honorarium, or receipt of outside income for each violation.¹³³

10. Florida

Under Florida law, employees in “career service” may not directly or indirectly influence votes for political action, or secure appointment for a position, nor may the individual hold office, be a candidate, or actively participate in a political campaign while employed by the state.¹³⁴ Nor may an individual in “career service” use his or her authority to back a political party in a partisan election or coerce employee support or contributions for a political purpose.¹³⁵ Career service is broadly defined as those positions that are not specifically exempted by statute.¹³⁶ Florida has exempted positions such as the State Surgeon General, “judges, referees, and receivers,” “[a]ll members of state boards and commissions,” as well as various secretaries.¹³⁷ However, Florida’s election code has a separate provision seemingly providing a blanket prohibition unto all officers or employees of the state, county, or municipality, unless otherwise exempted, from engaging in impermissible coercion or influence regarding elections, engaging in a political campaign while on duty, or the improper solicitation of funds for political purposes.¹³⁸ While section 104.31 provides that a violation of the statute constitutes a misdemeanor, no other comparable penalty or civil penalty is provided under section 110.233 regarding a career service employee’s violation of the section’s prohibitions; other sections prohibiting political activities include Sections 106.15 and 106.113 of the Florida statutes.¹³⁹

11. Georgia

Under Georgia law, it is “unlawful for any officer or employee of [the] state

132. D.C. CODE § 1-1171.04 (2025). Chapter 11A involves the Code of Government Ethics and Accountability and various provisions can be found in § 1-1161.01 *et seq.*

133. D.C. CODE § 1-1162.21(a)(1) (2025).

134. FLA. STAT. § 110.233 (2025).

135. *Id.*

136. FLA. STAT. § 110.205 (2025).

137. *Id.*

138. FLA. STAT. § 104.31 (2025).

139. *See* FLA. STAT. §§ 104.31(3), 110.201, 106.15(2) (“No candidate, in the furtherance of his or her candidacy for nomination or election to public office in any election, shall use any state-owned aircraft or motor vehicle, as provided in chapter 287, solely for the purpose of furthering his or her candidacy”), 106.113(2) (“A local government or a person acting on behalf of local government may not expend or authorize the expenditure of, and a person or group may not accept, public funds for a political advertisement or any other communication sent to electors concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors”).

to coerce or attempt to coerce or command directly or indirectly any other state officer or employee to pay, lend, or contribute any part of his salary or to kick back any sum of money or anything else of value to any party, committee, organization, agency, or person for political purposes.¹⁴⁰ But rather than imposing any civil penalties, Georgia has criminalized violations of its law.¹⁴¹ Additionally, the Georgia Department of Administrative Services prohibits a bevy of political activities including but not limited to: conducting political activities of any nature during work time or on work premises and or using state property or resources to do so; soliciting other employees for any political purpose, whether or not during work hours or on work premises; soliciting or knowingly accepting any campaign contributions in a state building or office except when the space is rented for the specific purpose of holding a campaign fundraiser; and holding or being a candidate for political office that conflicts with current employment.¹⁴² The consequences for participating in prohibited or conflicted political activities include denial or termination of employment and resignation or forfeiture of employment upon assuming office.¹⁴³

12. Hawaii

In Hawaii, the political activities of state employees are governed by the Hawaii State Ethics Code. Under Hawaii law, “[t]he members of the ethics commission and its staff shall not take an active part in political management or in political campaigns during the term of office or employment.”¹⁴⁴ Additionally, state regulations prohibit legislators and employees from using state resources for private business purposes, including political campaign activities.¹⁴⁵

13. Idaho

Under Idaho law, employees of the State Departments may not use their authority to influence or attempt to influence elections, coerce or otherwise demand that other employees contribute to a political organization or agency, and may not be a candidate or hold office in a partisan election.¹⁴⁶ Additionally, Idaho law provides that no person may serve on the Worker’s Compensation and Related Laws Industrial Commission who is a candidate for political office.¹⁴⁷ However, Idaho statutes do not prohibit state employees from running in non-partisan elections or participate in other non-partisan activities of a civic,

140. GA. CODE ANN. § 45-11-10(a) (2025).

141. *Id.* at (c).

142. GA. COMP. R. & REGS. 478-1-.08(5) (2025).

143. *Id.* at (6).

144. HAW. REV. STAT. § 84-35.5 (2025).

145. HAW. CODE R. § 21-7-10 (2020).

146. *See* IDAHO CODE § 67-5311(1)(a)–(c) (2025).

147. IDAHO CODE § 72-1503 (2025).

community, social, labor, or professional organization, or of a similar organization, and otherwise encourages political participation of its employees.¹⁴⁸

14. Illinois

Under Illinois law, state employees are prohibited from intentionally performing any prohibited political activity during any compensated time—other than vacation, personal, or compensatory time off—or intentionally misappropriating any state property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.¹⁴⁹ Additionally, state employees may not have their employment conditioned on, nor be incentivized to participate in otherwise prohibited political activity.¹⁵⁰ Similar prohibitions extend to local government employees.¹⁵¹

15. Indiana

In Indiana, “a classified employee may not be compelled to make political contributions or to participate in any form of political activity.”¹⁵² Upon taking state or federal office, the employee is considered to have resigned from state employment on the day they take office.¹⁵³ The Indiana Administrative Code provides further limitations on political activities of state employees. For example, the code prohibits state employees or special state appointees from engaging in political activity including solicitation of political contributions from another employee or special state appointee, or any other person when on duty or acting in an official capacity and soliciting political contributions at any time from persons whom the employee knows to have a business relationship with the employee’s agency or are directly supervised by the soliciting employee.¹⁵⁴ The appointing authority of an agency and all employees or special state appointees with purchasing or procurement authority on behalf of the state

148. *See* IDAHO CODE § 67-5311(2) (2025).

149. 5 ILL. COMP. STAT. § 430/5-15(a) (2025).

150. *Id.* at (b)–(d).

151. *See e.g.*, 305 ILL. COMP. STAT. § 5/12-21.7 (2025) (providing that “in any local governmental unit receiving State funds, each employee whose duties pertain to determination of eligibility for or the amount of public aid is prohibited from engaging in at any time, whether during or outside of regular working hours, any of the following activities: (1) using or threatening to use the influence or authority of his position to coerce or to persuade any person to follow any course of political action; (2) soliciting money from any person for any political purpose; (3) selling or distributing tickets for political meetings; (4) assisting at the polls in behalf of any party or party-designated candidate on any election day, (5) initiating or circulating petitions on behalf of a candidate; (6) distributing campaign literature or material in behalf of any candidate”).

152. IND. CODE § 4-15-2.2-44(b) (2025).

153. IND. CODE § 4-15-2.2-45 (2025).

154. 42 IND. ADMIN. CODE 1-5-4 (2025).

are also prohibited from soliciting political contributions on behalf of any candidate for public office, unless that individual is a candidate for public office himself or herself.¹⁵⁵

16. Iowa

Iowa law stipulates that “[t]he state and the governing body of a county, city, or other political subdivision of the state shall not expend or permit the expenditure of public moneys for political purposes, including expressly advocating the passage or defeat of a ballot issue.”¹⁵⁶ The implementing regulation identifies situations in which the use of public resources for a political purpose is prohibited to include: using public resources to solicit or accept campaign contributions; using public resources to solicit votes, engage in campaign work, or poll voters on their preferences for candidates or ballot issues; using a publicly owned motor vehicle to transport political materials, placing campaign signs on a publicly owned motor vehicle, or traveling to campaign-related events in a publicly owned motor vehicle; using public resources to produce and distribute communications that expressly advocate for or against candidates or that expressly advocate for or against ballot issues and placing campaign materials on public property including the placement of campaign signs in the public right-of-way.¹⁵⁷

17. Kansas

Under Kansas law, no officer or employee of the state, or any municipality, shall use or authorize the use of public funds to expressly advocate for “the nomination, election, or defeat of any clearly identified candidate to state or local office.”¹⁵⁸ Further, no state employee may use his or her authority to influence or compel another employee to take part in any political activity.¹⁵⁹ If an employee is found to have violated this provision, the state of Kansas criminalizes such a violation as a class C misdemeanor, and if a classified member of state service is convicted, he or she will be removed from service.¹⁶⁰

18. Kentucky

Kentucky prohibits the unlawful use of one’s position with the state to influence or coerce political activity of others, as well as the solicitation of funds

155. *Id.*

156. IOWA CODE § 68A.505(1) (2025).

157. IOWA ADMIN. CODE r. 351-5.4 (68A) (2025).

158. KAN. STAT. ANN. § 25-4169a (2025).

159. KAN. STAT. ANN. § 75-2953 (2025).

160. *Id.*

for political purposes.¹⁶¹ Further, with regard to political activity, no employee in the classified service or member of the board or its executive director can be a member of any national, state, or local committee of a political party, or an officer or member of a committee of a partisan political club, or a candidate for nomination or election to any paid partisan public office. No employee shall take part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Further, in Kentucky:

Officers or employees of the classified service may be candidates for and occupy an elected office if the election is on a nonpartisan basis, the officers or employees have complied with the requirements of Kentucky Revised Statute § 61.080, and the duties of the elective office do not interfere with, or create any conflicts of interest with, the state duties of the officers or employees in the classified service. An employee shall give notice to his or her appointing authority of his or her intent to run for elective office upon filing to run for the office.¹⁶²

19. Louisiana

Interestingly, Louisiana is the only state that has made the prohibition against partisan political activity a part of its state constitution. Under Louisiana's constitution:

No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at

161. KY. REV. STAT. ANN. § 18A.140(2)–(3) (2025); *accord* KY. REV. STAT. ANN. § 161.164 (3) (2025) (“No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position as teacher or employee of any district board of education, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person”).

162. KY. REV. STAT. ANN. § 61.080 (2025) (this section prohibits employees from holding incompatible offices, stating, “[n]o person shall, at the same time, be a state officer, a deputy state officer, or a member of the General Assembly, and an officer of any county, city, consolidated local government, or other municipality, or an employee thereof.”); KY. REV. STAT. ANN. § 18A.140(4) (2025).

the polls, and to cast his vote as he desires.¹⁶³

Louisiana law also prohibits employees from lobbying for or against any matter intended to have the effect of law pending before the legislature or any committee and entering into a contract with a lobbyist or a contract for lobbying services to lobby for or against any matter intended to have the effect of law pending before the legislature or any committee.¹⁶⁴ The Louisiana State Civil Service Agency also issues circulars on prohibited political activities by classified state employees such as: being a candidate for nomination or election to public office, becoming a member of any committee of a political party or faction or making or soliciting contributions for any candidate or political party or faction or actively engage on the official or unofficial social media page of a candidate for nomination or election to political office, political party, or faction of a political party.¹⁶⁵

20. *Maine*

In Maine, “[a]n officer or employee in the classified service or an employee from the executive branch in the unclassified service” is prohibited from using:

[T]hat officer’s or employee’s official authority, influence or supervisory position for the purpose of . . . interfering with or affecting the result of a partisan election or nomination for elective office . . . or attempting to intimidate, threaten, coerce, command or influence a person to give or withhold a political contribution or to engage or not to engage in any form of political activity. . .¹⁶⁶

Similarly, the employee

[M]ay not engage in political activity when the employee is on duty; in state-owned or leased work space occupied in the discharge of official duties or by using the facilities or services of the State; or when wearing a uniform or official insignia identifying the office or position of the employee or while using a vehicle owned or leased by the State or its agencies.¹⁶⁷

163. LA. CONST. art. X, § 9.

164. LA. STAT. ANN. § 24:56 (2025).

165. *See e.g.*, Memorandum from Byron P. Decoteau, Director on Reminder of Prohibited Political Activity, General Circular No. 2023-006 (Feb. 3, 2023), https://www.civilservice.louisiana.gov/files/general_circulars/2023/GC2023-006.pdf [[<https://perma.cc/QP78-8C23>]

166. 5 ME. REV. STAT. tit. 5 § 7056-A (2025).

167. *Id.*

However,

An officer or an employee of the classified service or an employee from the executive branch in the unclassified service may . . . campaign for and hold an elective office in political clubs and organizations . . . contribute money to political organizations or attend political fundraising functions . . . donate personal time and service to a political cause . . . be a candidate for public office in a nonpartisan election . . . and participate in any other activity not specifically prohibited by state or federal law.¹⁶⁸

Additionally, a partisan legislative employee is not prohibited from engaging in political activities but rather must limit his or her activities to his or her own personal time or otherwise take a leave of absence.¹⁶⁹ Finally, legislative employees may not use legislative equipment to work on their campaigns.¹⁷⁰

21. Maryland

In Maryland, “[a]n official or employee may not intentionally use the prestige of office or public position for that official’s or employee’s private gain or that of another; or to influence, except as part of his or her official duties, or as a usual and customary constituent service without additional compensation, the award of a State or local contract to a specific person.”¹⁷¹ The State also prohibits employees from engaging in political activity during working hours, advocating for the violent overthrow of the government,¹⁷² and improperly using political influence to sway decisions regarding promotions, transfers, and other like decisions in relation to employment.¹⁷³

22. Massachusetts

Under Massachusetts law, the prohibition of political activity of state employees is primarily limited to financial contributions and solicitations thereof on behalf of political organizations.¹⁷⁴ Although not specifically referring to political activities, Section 268A of the Massachusetts General Laws prohibits an officer or employee of a state, county or municipal agency from knowingly:

[A]ccepting other employment involving compensation of substantial

168. *Id.*

169. ME. STAT. tit. 3, § 170 (2025).

170. ME. STAT. tit. 3, § 170-A (2025).

171. MD. CODE. ANN. GEN. PROVISIONS, § 5-506 (2025).

172. MD. CODE ANN. STATE PERS. & PENS. § 2-304 (2025).

173. *Id.* at § 2-307.

174. *See* MASS. GEN. LAWS ch. 55, §§ 13, 14, 16 (2025).

value, the responsibilities of which are inherently incompatible with the responsibilities of his or her public office; or solicit or receive anything of substantial value for such officer or employee, which is not otherwise authorized by statute or regulation, for or because of the officer or employee's official position.¹⁷⁵

This section has been read to prevent a public employee from using his public position to engage in political activity.¹⁷⁶

23. Michigan

Michigan, unlike many other states, expressly allows state employees to engage in various forms of political activity and only requires those running for legislative office, executive office, offices of the State Supreme Court, or Court of Appeals, to take a leave of absence.¹⁷⁷ However, as with the other states, Michigan prohibits the use of political stature to coerce or influence individuals to “contribute anything of value to a [political] party” or cause;¹⁷⁸ or engaging in political activities “during those hours when that person is being compensated for the performance of that person's duties as a public employee.”¹⁷⁹ Additionally, “public employees whose political activities are subject to restrictions imposed by laws or regulations of the United States” are required to “comply with those restrictions notwithstanding any contrary provisions of [the state laws].”¹⁸⁰ By deduction, the Federal Hatch Act would seem to apply to some Michigan public employees.

24. Minnesota

Under Minnesota law, “[n]o employee shall, directly or indirectly, during hours of employment solicit or receive funds for political purposes, or use official authority or influence to compel an employee in the classified service to apply for membership in or become a member of any political organization, to pay or promise to pay any assessment, subscription, or contribution or to take

175. MASS. GEN. LAWS ch. 268A, § 23 (2025).

176. See State Ethics Commission, *State Ethics Commission Advisory 11-1: Public Employee Political Activity*, MASS.GOV (Mar. 18, 2011), <https://www.mass.gov/advisory/state-ethics-commission-advisory-11-1-public-employee-political-activity#2-may-not-do-political-activities-by-public-employees-that-generally-are-prohibited-by-the-conflict-of-interest-law-https://perma.cc/LZ9B-JKA7> (focusing on 2. *May Not Do: Political Activities by Public Employees That Generally Are Prohibited by the Conflict of Interest Law*).

177. MICH. COMP. LAWS § 15.402 (2025).

178. MICH. COMP. LAWS § 15.405 (2025).

179. MICH. COMP. LAWS § 15.404 (2025).

180. MICH. COMP. LAWS § 15.407 (2025).

part in any political activity.”¹⁸¹ Further, certain individuals other than executive branch officials, are required to take a leave of absence:

- (1) . . . upon assuming an elected federal office or an elected state office other than state legislative office or, if elected to state legislative office, during times that the legislature is in session;
- (2) upon assuming any elected public office other than enumerated in clause (1), if, in the opinion of the commissioner, the holding of the office conflicts with regular state employment; and
- (3) upon request, be granted leave of absence upon becoming a candidate, or during the course of candidacy, for any elected public office.¹⁸²

25. *Mississippi*

In Mississippi, “[n]o person holding any office, place, position or employment subject to civil service, is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do.”¹⁸³ No state employee is permitted to influence or coerce another employee to vote or not vote for a particular matter nor are state employees with authority to fire other employees permitted to make public or private statements “or give out or circulate any report or statement, calculated to intimidate or coerce or otherwise influence any vote of an employee.”¹⁸⁴ Further, state employees are not permitted to campaign or work on the campaign of another during business hours nor may an individual take a paid leave of absence to participate in a political campaign or render services to a campaign.¹⁸⁵ Whoever violates this law, upon conviction, can be imprisoned in the county jail, fined or both.¹⁸⁶

181. MINN. STAT. § 43A.32 (2025); *accord* MINN. STAT. ANN. § 211B.09 (2025) (“An employee or official of the state or of a political subdivision may not use official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity. . .”).

182. *Id.*

183. MISS. CODE ANN. § 21-31-75 (2025); *accord* 27 MISS. ADMIN. CODE PT. 120, R. 5.9 (2025).

184. MISS. CODE ANN. § 23-15-871 (2025).

185. *Id.*

186. *See* MISS. CODE ANN. § 97-13-37 (2025) (providing in relevant part, “whoever . . . shall violate any provision of Section 23-15-871 or 23-15-874, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both”).

26. Missouri

In Missouri, “an employee may take part in the activities of political parties and political campaigns.”¹⁸⁷ However, an employee may not engage in political activity:

(1) while on duty; (2) in any room or building occupied in the discharge of official duties; (3) by utilizing any state resources or facilities; (4) while wearing a uniform or official insignia identifying the office or position of the employee; or (5) when using any vehicle owned or leased by the state or any agency or instrumentality of the state.¹⁸⁸

Moreover, an employee may take part in the activities of political parties and political campaigns except the employee may not:

(1) use the employee’s official authority or influence for the purpose of interfering with the results of an election; (2) knowingly solicit, accept or receive a political contribution from any person who is a subordinate employee of the employee; (3) run for the nomination, or as a candidate for election, to a partisan political office; or (4) knowingly solicit or discourage the participation in any political activity of any person who has an application for any compensation, grant, contract, ruling, license, permit or certificate pending before the employing department of such employee or is the subject of, or a participant in, an ongoing audit, investigation or enforcement action being carried out by the employing department of such employee.¹⁸⁹

Finally, Missouri makes it unlawful for:

[A]ny person to intimidate, threaten, command or coerce any employee of the state to engage or not to engage in any political activity including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. . . Any person who violates the provisions of this section is guilty of a class 3 election offense, which is a misdemeanor punishable by a term of imprisonment for not more than one year and a fine of not more than \$2,500, or both. Any person convicted of a violation of this section shall lose such person’s position in the agency.”¹⁹⁰

187. MO. REV. STAT. § 36.155 (2025).

188. MO. REV. STAT. § 36.157 (2025).

189. MO. REV. STAT. § 36.155 (2025).

190. MO. REV. STAT. § 36.159 (2025).

27. Montana

Under Montana law, state employees may not be “involved in a proceeding before the employing agency that is within the scope of the public officer’s or public employee’s job duties; or [] attempt[] to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.”¹⁹¹ Further, apart from charitable activities, a state employee may not lobby on behalf of an organization or “association of local government officials, of which the public officer or public employee is a member while performing the public officer’s or public employee’s job duties.”¹⁹² Further, state employees may not coerce or command others to support or oppose any candidate or ballot provision nor can a state employee solicit contribution on behalf of any political organization.¹⁹³ The state itself cannot refuse employment to a person, bar a person from employment, or discriminate against a person in compensation or in a term, condition, or privilege of employment because of that person’s political beliefs.¹⁹⁴

28. Nebraska

Nebraska law provides that “[u]nless specifically restricted by a federal law or any other state law, no employee of the state or any political subdivision thereof, shall be prohibited from participating in political activities except during office hours or when otherwise engaged in the performance of his or her official duties.”¹⁹⁵ Additionally, “no such employee shall engage in any political activity while wearing a uniform required by the state or any political subdivision thereof.”¹⁹⁶

29. Nevada

In Nevada, it is unlawful for any person, firm or corporation doing business in the state to make any rule or regulation prohibiting or preventing any employee from engaging in politics or becoming a candidate for any public office.¹⁹⁷ On the other hand, under the Nevada Administrative Code, no employee may directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, monetary or nonmonetary contribution for a political purpose from anyone who is in the same department and who is a subordinate of the solicitor or engage in political activity during the hours of his or her state employment to improve the chances

191. MONT. CODE ANN. § 2-2-121(4) (2025).

192. *Id.* at § 2-2-121(5).

193. MONT. CODE ANN. § 13-35-226 (2025).

194. MONT. CODE ANN. § 49-2-308 (2025).

195. NEB. REV. STAT. § 20-160 (2025); *accord* NEB. REV. STAT. § 81-1315 (2025).

196. *Id.*

197. NEV. REV. STAT. ANN. § 613.040 (2025).

of a political party or a person seeking office, or at any time engage in political activity to secure a preference for a promotion, transfer or increase in pay.¹⁹⁸ Nevada statutes also prohibit political activities of employees of various State agencies including but not limited to: Vocational Rehabilitation Program,¹⁹⁹ Aging and Disability Services Division,²⁰⁰ Services and Facilities For Care of Children,²⁰¹ Nevada Gaming Commission,²⁰² Nevada Gaming Control Board,²⁰³ Cannabis Compliance Board,²⁰⁴ and Commissioner of Insurance.²⁰⁵

30. *New Hampshire*

New Hampshire law prohibits coercion of political contributions. Specifically, the law provides that “[n]o person shall knowingly coerce, or attempt to coerce, any classified state employee to give or withhold a contribution to any political campaign or political committee, or to any candidate, or party or cause, for the purpose of promoting the success or defeat of any candidate or political party.”²⁰⁶ Additionally, the same law prohibits business organizations from coercing, or attempting to coerce, any employee of the business organization or of the enterprise, to make a contribution to any political campaign or political committee, or to any candidate, party or cause, for the purpose of promoting the success or defeat of any candidate or political party.²⁰⁷ Another statute prohibits any recipient of a grant or appropriation of state funds from using the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.²⁰⁸ However, notwithstanding these rules, a person employed as a public employee in any capacity shall have a full right to publicly discuss and give opinions as an individual on all matters concerning any government entity and its policies.²⁰⁹

31. *New Jersey*

New Jersey law dictates that people who hold positions in career “or senior executive service shall not directly or indirectly use or seek to use the position to control or affect the political action of another person or engage in political

198. NEV. ADMIN. CODE § 284.770 (2024).

199. NEV. REV. STAT. ANN. § 615.300 (2025).

200. NEV. REV. STAT. ANN. § 427A.120 (2025).

201. NEV. REV. STAT. ANN. § 432A.120 (2025).

202. NEV. REV. STAT. ANN. § 463A.025 (2025).

203. NEV. REV. STAT. ANN. § 463.060 (2025).

204. NEV. REV. STAT. ANN. § 678A.380 (2025).

205. NEV. REV. STAT. ANN. § 679B.020 (2025).

206. N.H. REV. STAT. § 664:4-a (2025).

207. *Id.*

208. N.H. REV. STAT. § 15:5 (2025).

209. N.H. REV. STAT. § 98-E:1 (2025).

activity during working hours.”²¹⁰ New Jersey Administrative Code also specifies that no employee in the career, senior executive, or unclassified services whose principal employment is in connection with a program financed in whole or in part by federal grants or loans, shall engage in any activities prohibited by the federal Hatch Act.²¹¹ However, an appointing authority shall not take or threaten to take any action against an employee in the career service or an employee in the senior executive service with career status based on the employee’s permissible political activities or affiliations.²¹²

32. *New Mexico*

In New Mexico, a public officer is prohibited from coercing or attempting to coerce another public officer or employee to pay, lend or contribute anything of value to a party, organization or person for a political purpose; threatening to deny a promotion or pay increase to an employee who does or does not vote for certain candidates, or violating the employee’s duty not to use property belonging to a state or local government agency or allow its use, for other than authorized purposes.²¹³ Additionally, no person in the personnel office or employee in the service shall hold political office except for a non-partisan county or municipal office or be an officer of a political organization during his employment. Any employee who becomes a candidate for public office shall, upon filing or accepting the nomination and during the campaign, take a leave of absence.²¹⁴ Finally, no person engaged in administering any vocational education or vocational rehabilitation program shall use his official authority or influence to permit the use of the vocational education or vocational rehabilitation program to interfere with any public election or partisan political campaign, nor shall such person take any active part in the management of a political campaign, or participate in any political activity beyond the person’s constitutional rights of voting and of free speech. Moreover, such a person shall not be required to contribute or render service, assistance, subscription, assessment or contribution for any political purpose.²¹⁵ Violation of ethical principles of public service is equivalent to a fourth-degree felony with a sentence of eighteen months imprisonment.²¹⁶

33. *New York*

In New York, state and local social services officials and employees are permitted to engage in political activity except as proscribed, where applicable,

210. N.J. STAT. ANN. § 11A:2-23 (2025).

211. N.J. ADMIN. CODE § 4A:10-1.2 (2025).

212. N.J. ADMIN. CODE § 4A:2-5.1 (2025).

213. N.M. STAT. ANN. 1978 § 10-16-3.1(2025); *accord* N.M. ADMIN. CODE. 1.7.6.10 (2025).

214. N.M. STAT. ANN. 1978 § 10-9-21(2025).

215. N.M. STAT. ANN. 1978 § 22-14-14 (2025).

216. N.M. STAT. ANN. 1978 § 10-16-3 (2025).

by the federal Hatch Act and section 107 of the civil service law.²¹⁷ Under this law, no person in the civil service shall: discharge or promote or reduce, or change the official rank or compensation of any other person for giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose; use official authority or influences to coerce the political action of any person or body or interfere with any election.²¹⁸ Complaints alleging a violation of the law by a statewide elected official or a state officer or employee are to be directed to the commission on public integrity.²¹⁹ With regards to political questions in employment decisions, New York prohibits asking an applicant during the hiring process, or in other employment decisions, about: (i) their political party affiliation; (ii) whether the applicant has made campaign contributions; or (iii) whether the applicant cast a vote for or against any elected official, candidate, or political party.²²⁰ Furthermore, employees are prohibited from declining to hire or promote, discharge, discipline, or in any manner change the official rank or compensation of any state official or employee, or applicant for employment, or promise or threaten to do so, based upon a refusal to answer any political question.²²¹ State employees are also prohibited from using their authority or influence to “compel or induce” another employee to make political donations.²²² Violations of this law may subject the defendant to a civil penalty in an amount not to exceed \$40,000 and the value of any gift, compensation or benefit received in connection with such violation. A state oversight body acting pursuant to its jurisdiction, may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction such violation shall be punishable as a class A misdemeanor.²²³

34. *North Carolina*

Under North Carolina law, State employees retain “all the rights and obligations of citizenship provided in the Constitution and laws of the United States and the State of North Carolina.”²²⁴ When a state employee is subject to the North Carolina Human Resources Act, he or she shall not:

(1) Take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he is expected to perform

217. N.Y. COMP. CODES R. & REGS. tit. 18, § 674.1 (2025).

218. N.Y. CIV. SERV. LAW § 107 (McKinney 2025).

219. *Id.*

220. N.Y. PUB. OFF. LAW § 73(17)(a) (McKinney 2025); *accord* N.Y. COMP. CODES R. & REGS. tit. 22, § 50.5 (2025).

221. N.Y. PUB. OFF. LAW § 73(17)(b) (McKinney 2025).

222. N.Y. PUB. OFF. LAW § 73(17)(c) (McKinney 2025).

223. N.Y. PUB. OFF. LAW § 73(18) (McKinney 2025).

224. N.C. GEN. STAT. § 126-13 (2025).

services for which he receives compensation from the State; (2) Otherwise use the authority of his position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.²²⁵

It is also unlawful for a state employee or a person appointed to a state office to coerce another state employee or an applicant for a position within the state to support or contribute to a political candidate, committee or party; or to change the party designation of the individual's voter registration by threatening that change in employment status or discipline or preferential personnel treatment will occur with regard to an individual, or threaten discipline or promise preferential treatment with regard to that person's business with the individual's state office or that person's activities regulated by the individual's state office.²²⁶ Furthermore, heads of any state department, agency, or institution or other state employee exercising supervisory authority are prohibited from making, issuing, or enforcing any rule or policy the effect of which is to interfere with the right of any state employee as an individual to engage in political activity while not on duty or at times during which he is not performing services for which he receives compensation from the State.²²⁷ And like New York, the willful violation of this law is a Class 1 misdemeanor.²²⁸

Regarding local government employees, state board and county board of election members are prohibited from making written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the nomination or election of one or more clearly identified candidates for public office or a referendum proposal, and from soliciting contributions for a candidate, political committee, or referendum committee.²²⁹

35. *North Dakota*

In North Dakota, "except when on duty or acting in an official capacity and except as otherwise provided by state or federal law, no employee may be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity."²³⁰ Another law prohibits use of state or political subdivision services or property for political purposes, stating "no person may use any property belonging to or leased by, or any service which is provided to

225. N.C. GEN. STAT. § 126-13 (2025).

226. N.C. GEN. STAT. § 126-14 (2025).

227. N.C. GEN. STAT. § 126-13 (2025).

228. *Id.*

229. N.C. GEN. STAT. § 163.39 (2025).

230. N.D. CENT. CODE ANN. § 34-11.1-02 (2025); *accord* N.D. CENT. CODE ANN. § 44-08-19 (2025) (noting that "[n]o public employee may engage in political activities while on duty or in uniform").

or carried on by, either directly or by contract, the state or any agency, department, bureau, board, commission, or political subdivision thereof, for any political purposes.”²³¹

36. *Ohio*

Under Ohio law, restrictions on political activities of state employees hinge on whether they are classified or non-classified employees.²³² Officers and employees of the state, including those from the “counties, cities, and city school districts of the state, or the civil service townships” are prohibited from “directly or indirectly, orally or by letter, solicit[ing] or receiv[ing], or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for public office.”²³³ They are also prohibited from soliciting or receiving any payment from any officer or employee in the classified service of the state. Additionally, officers or employees in the classified service may not “be an officer in any political organization or take part in politics other than to vote as the officer or employee pleases and to express freely political opinions.”²³⁴

37. *Oklahoma*

In Oklahoma, no public employee or public official shall directly or indirectly coerce, attempt to coerce, command, advise or direct any state employee to pay, lend or contribute any part of his or her salary or compensation, time, effort or anything else of value to any party, committee, organization, agency or person for political purposes.²³⁵ Additionally, any person convicted of willfully violating the provisions of this section is guilty of a felony and shall be punished by the imposition of a fine of not more than ten thousand dollars or by imprisonment for not longer than two years, or by both fine and imprisonment.²³⁶ Under the Oklahoma Administrative Code, a state employee may not:

- (1) use his or her position for the purpose of interfering with an election to, or a nomination for, office or affecting the result thereof;
- (2) wear a campaign item, such as a button, hat, or badge during the hours he or she is officially in work status for the agency;
- (3) wear items, such as a uniform, badge, or anything that identifies him

231. N.D. CENT. CODE ANN. 16.1-10-02(1) (2025).

232. *See* OHIO ADMIN. CODE. § 123:1-46-02 (2025) (“Employees in the classified service of the state are prohibited by section 124.57 of the Revised Code from engaging in political activity”).

233. OHIO REV. CODE ANN. § 124.57 (2025).

234. *Id.*

235. OKLA. STAT. 21 § 360 (2025).

236. *Id.*

or her as a state employee while engaged in political activity or while campaigning for himself or herself, or any candidate for office;
(4) disseminate, either directly or indirectly, any political commentary, discussion, or advertisement for non-work purposes during the hours he or she is officially in work status for the agency;
(5) campaign for, or on behalf of, any candidate or ballot or election question, during the hours the employee is officially in work status for the agency; or
(6) become a candidate for an elective public office in a partisan election or in which the office has direct or indirect oversight of the agency.²³⁷

State employees whose regular duties include scheduling meetings, activities and events for elected state officers shall not be considered to have violated these rules if, while on duty, they engage in scheduling political activities or events for an elected state officer.²³⁸

38. *Oregon*

In Oregon, a public employee, while on the job during working hours is prohibited from engaging in several activities including: soliciting any money, influence, service or otherwise; promoting or opposing any political committee, appointment of a person to a public office, filing of an initiative, referendum or recall petition, the gathering of signatures on an initiative, referendum or recall petition, or the adoption of a measure or the recall of a public office holder.²³⁹ However, “this section does not restrict the right of a public employee to express personal political views, provided that a reasonable person would not infer that the views represent those of the public employer of the public employee.”²⁴⁰

39. *Pennsylvania*

Pennsylvania prohibits an individual in classified service from taking an active part in political management or in a political campaign. The law prohibits a bevy of political activities including serving as an officer of a political party; directly or indirectly soliciting, or receiving contributions or other money for a partisan political purpose; becoming a candidate or campaigning for an elective public office in a partisan election; serving as a delegate, alternate or proxy to a political party convention; addressing a convention, caucus, rally or similar gathering of a political party; or paying a contribution in the workplace to an employee who is the employer or employing authority of the individual making

237. OKLA. ADMIN. CODE § 340:2-1-4 (2025).

238. OKLA. ETHICS COMM. Rule 2.13.

239. OR. REV. STAT. ANN. § 260.432 (West 2025).

240. *Id.*

the contribution for a political party, political fund or other partisan recipient.²⁴¹ An individual in the classified service who violates this section shall be removed from employment and money appropriated for the position from which the employee was removed may not be used to pay the employee or individual. Alternatively, the Office of Administration may impose a penalty of suspension without pay for not more than 120 working days if the Office of Administration finds that the violation does not warrant termination.²⁴² However, the provisions of this law do not apply to employees who are on furlough, who are on a leave of absence, or who are on a leave covered under the State Employees' Retirement Code.²⁴³

40. Rhode Island

Rhode Island restricts classified employees, during working hours, from engaging in any form of partisan politics except that they may attend and vote at any party caucus, primary, or election held during working hours.²⁴⁴ Outside of working hours, a classified employee may attend any partisan political rally, club, or gathering and privately express his or her partisan political views but any further partisan political activity on his or her part shall be engaged in only in accordance with the personnel rules.²⁴⁵ A classified employee violating these provisions or of the personnel rules shall for a first offense, be either demoted or dismissed and for a second offense dismissed.²⁴⁶ The state further restricts classified employees or members of the personnel appeal board from soliciting contributions for nor shall they be solicited to contribute to any political party or campaign.²⁴⁷

41. South Carolina

In South Carolina, certain employees covered by the federal Hatch Act are prohibited from being candidates for elective office.²⁴⁸ Additionally, the state prohibits public employees from using government personnel or facilities for campaign purposes, although government personnel are permitted to work on campaigns on their own time.²⁴⁹ Likewise, no public official, employee, or committee may accept or collect campaign contributions on the grounds of or

241. 71 PA. CONS. STAT. § 2705 (2025).

242. *Id.*; accord 4 PA. ADMIN. CODE § 613.4 (2025).

243. 4 PA. ADMIN. CODE § 613.3 (2025).

244. 36 R.I. GEN. LAWS 1956 § 36-4-52 (2025).

245. 36 R.I. GEN. LAWS 1956 § 36-4-52 (2025).

246. *Id.*

247. 36 R.I. GEN. LAWS 1956 § 36-4-53 (2025).

248. S.C. Dep't of Admin., Laws, Regulations and Gen. Info., <https://www.admin.sc.gov/services/state-human-resources/hr-resources/laws-regulations-general-information> [https://perma.cc/63N8-FCJN] (last visited Jan. 3, 2026).

249. S.C. CODE ANN. 1976 § 8-13-765 (2025).

in any building which houses the office or residence of a statewide officer.²⁵⁰

42. *South Dakota*

In South Dakota, “employees whose positions are wholly funded by federal loans or grants are restricted from running for partisan office by the Hatch Act.”²⁵¹ Additionally, a civil service employee may not be discriminated against on the basis of political affiliation; required to participate in partisan political activities; or required to contribute to any political funds or collections or render political service.²⁵² Moreover, no instructor, teacher, or other employee of any institution under the jurisdiction of the Board of Regents is subject to loss of job or status on the job for becoming a candidate for any public office, unless the candidacy or public office entails neglect of duty.²⁵³

43. *Tennessee*

Tennessee law prohibits state employees from a plethora of political activities, including but not limited to: soliciting directly or indirectly contributions for political purposes or campaign expenses from persons or entities that are connected to the state or that do business with the state,²⁵⁴ promising state benefits as a reward for political activity,²⁵⁵ depriving or threatening to deprive any person of state benefits because of a person’s or entity’s political activity,²⁵⁶ using state property for campaign advertising or activities,²⁵⁷ and engaging in political activity not directly a part of that person’s employment during any period when the person should be conducting business of the state.²⁵⁸ Additionally, a person holding a position in the preferred service²⁵⁹ is not allowed to solicit, directly or indirectly, or require any other person to solicit, directly or indirectly, donations or contributions for any political party, candidate, cause or purpose in order to acquire or deny a position in state service or to materially affect the retention, promotion or demotion of any employee in state service.²⁶⁰

250. S.C. CODE ANN. 1976 § 8-13-1336 (2025).

251. South Dakota Bureau of Hum. Resources and Admin, State Employee Handbook 1, 12 (07/02/2025) <https://bhraonline.sd.gov/handbook.pdf>

252. S.D. CODIFIED LAWS § 3-6D-5 (2025).

253. S.D. CODIFIED LAWS § 13-49-14.1 (2025).

254. TENN. CODE ANN. § 2-19-203 (2025).

255. TENN. CODE ANN. § 2-19-204 (2025).

256. TENN. CODE ANN. § 2-19-205 (2025).

257. TENN. CODE ANN. § 2-19-206(b) (2025).

258. TENN. CODE ANN. § 2-19-207 (2025).

259. In Tennessee, a preferred service employee is an employee who holds a position in an agency in the state service, in which the employee has successfully completed the initial probationary period. *See* TENN. COMP. R. & REGS. 1120-01-.0 (40) (effective April 17, 2025).

260. TENN. CODE ANN. § 8-30-306(d) (2025).

44. Texas

In Texas, a state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. Additionally, a state employee may not coerce, command, restrict or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose.²⁶¹ Texas law is designed to be fairly permissive, with little or no restrictions on political activities of public employees.²⁶²

45. Utah

In Utah, career service employees may voluntarily participate in political activities subject to certain conditions, for example, if the official is elected to any partisan or full-time nonpartisan political office, he or she is “granted a leave of absence without pay for times when monetary compensation is received for service in political office.”²⁶³ Additionally, no officer or employee in career service may engage in any political activity during the hours of employment, nor may any person solicit political contributions from employees of the executive branch during hours of employment for political purposes.”²⁶⁴ Interestingly, although an employee in a career status may not, while in a pay status, be a state or federal officer in any partisan political party organization or in any statewide partisan political campaign, the employee may be an officer or delegate in a partisan political party organization at a county or inferior level or a delegate at a state or national level.²⁶⁵ Partisan political activity may not be a basis for employment, promotion, demotion, or dismissal, except that the director shall adopt rules providing for the discipline or punishment of a state officer or employee who violates any provision of this section. Finally, any employee who is prevented or restricted from engaging in political activity by the provisions of the federal Hatch Act, is also prohibited from engaging in partisan political activities.²⁶⁶

46. Vermont

There is no specific statute in Vermont dealing with prohibited political

261. TEX. GOV'T CODE ANN. § 556.004 (2025).

262. *See* *In re Carlisle*, 209 S.W.3d 93, 96 (Tex. 2006) (noting that “any constitutional or statutory provision which restricts the right to hold public office should be strictly construed against ineligibility.”).

263. UTAH CODE ANN. § 63A-17-904(2)(a) (2025).

264. UTAH CODE ANN. § 63A-17-904(2)(b) (2025).

265. UTAH CODE ANN. § 67-5-3 (2025).

266. UTAH CODE ANN. § 63A-17-904 (2025).

activities of state employees. However, according to the Vermont Agency of Administration Policy Manual, an employee may not use his or her official authority or influence for the purpose of interfering with or affecting nomination or election of candidate for political office. Prohibited activities include the use of government funds, facilities or equipment while participating in a political activity; coercing any person to participate in a political activity, soliciting or receiving uncompensated individual services from a subordinate for any political purpose or taking adverse action on the basis of an employee's political affiliations.²⁶⁷ Finally, members of the State Ethics Commission are prohibited from being candidates for state, legislative, or elected judicial office; or holding any office in a state, legislative, or elected judicial office candidate's committee, a political committee, or a political party.²⁶⁸

47. Virginia

Virginia law provides that “no locality shall prohibit an employee of the locality, including firefighters, emergency medical services personnel, or law-enforcement officers within its employment, or deputies, appointees, and employees of local constitutional officers from participating in political activities while these employees are off duty, out of uniform and not on the premises of their employment with the locality.”²⁶⁹ On the other hand, the Virginia Administrative Code prohibits a local department employee from: using the employee's official authority or influence to interfere with or affect the result of a nomination or election to public office or position; directly or indirectly commanding a state or local officer or employee to pay or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or being a candidate for a partisan public elective office in a primary, general, or special election if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a federal agency.²⁷⁰

48. Washington

Interestingly, Washington state allows its state employees to participate in political activities, so long as it is not inconsistent with federal law.²⁷¹ The law

267. VT. DEP'T OF HUM. RES., Policy No. 5.7, at 2–3 (2015), https://humanresources.vermont.gov/sites/humanresources/files/documents/Labor_Relations_Policy_EEO/Policy_Procedure_Manual/Number_5.7_POLITICAL_ACTIVITY.pdf [<https://perma.cc/AXW5-2GR4>].

268. VT. STAT. ANN. tit. 3, § 1221(2)(D)–(E) (2025).

269. VA CODE ANN. § 15.2-1512.2(B) (2025).

270. 22 VA. ADMIN CODE § 40-675-210 (2025).

271. See WASH. REV. CODE. ANN. § 42.52.160(4) (2025) (noting that “[f]or persons employed in state agencies or agencies of any political subdivision of the state the operation of which is financed in total or primarily by federal grant-in-aid funds political activity will be regulated by the rules and regulations of the United States civil service commission.”)

provides:

employees of the state or any political subdivision . . . shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee of the state or any political subdivision thereof from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.²⁷²

However, the state prohibits any state officer or employee from employing or using any person money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.²⁷³ This statute does not specifically mention the word politics, but it would seem to cover political activities if made for personal gain.

49. West Virginia

In West Virginia, a person may not, in any room or building occupied for the discharge of official duties by any officer or employee of the state or a political subdivision of the state, solicit any contribution of money or other thing of value for any party or political purpose, from any other officer or employee of the federal government, or officer or employee of the state, or a political subdivision of the state. Additionally a person may not promise any employment, position, work, compensation, or other benefit provided for by act of the legislature to any person as consideration, favor or reward for any political activity for the support of or opposition to any candidate, or any political party in any election.²⁷⁴ The law also places limits on political contributions in connection with any campaign for nomination or election to or on behalf of any statewide office.²⁷⁵ Violation of any provision of this section is a misdemeanor and if convicted, the individual shall be fined not more than \$1,000, or confined in jail for not more than one year, or both fined and confined.²⁷⁶

50. Wisconsin

Under Wisconsin law, those involved in classified civil service may not

272. WASH. REV. CODE. ANN. § 41.06.250 (2025).

273. WASH. REV. CODE. ANN. § 42.52.160 (2025); *accord* WASH. ADMIN. CODE § 292-110-010 (2025).

274. W. VA. CODE. § 3-8-12 (2025).

275. *Id.*

276. *Id.*

directly or indirectly solicit or receive any “contributions for any partisan political party or any political purpose while on state time or engaged in official duties as an employee.”²⁷⁷ They cannot orally or by letter while on state time or acting in official duties as an employee solicit “to a state office or be in any manner concerned in soliciting any assistance, subscription, or support for any partisan political party or purpose from any person holding any position in the classified civil service.”²⁷⁸ While on duty, they are not allowed to engage in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold partisan political office, nor engage in any political activity when not on duty to such an extent that the person’s efficiency during working hours will be impaired or that he or she will be tardy or absent from work.²⁷⁹ If those engaged in classified civil service violate any of the above stated limitations it is enough for there to be “adequate grounds for dismissal.”²⁸⁰ If a member of the “classified service declares an intention to run for partisan political office” they are “placed on a leave of absence for the duration of the election campaign and if elected shall separate from the classified service on assuming the duties and responsibilities of such office.”²⁸¹ From a practical standpoint, there is only one significant difference between the provisions of the federal Hatch Act and Wisconsin law. While employees subject to the Hatch Act are prohibited from running for partisan political office, even if they are on annual leave or a leave of absence, Wisconsin law, on the other hand, allows such employees to run for political office while on a leave of absence for the duration of the election campaign and if elected, must be separated from service on assuming the duties and responsibilities of the elected office.²⁸²

51. Wyoming

Under Wyoming law, public officials, members, or employees are not allowed to “use public funds, time, personnel, facilities, or equipment for political or campaign activity.” The exceptions is when the “use is (i) [a]uthorized by law or (ii) [pr]operly incidental to another activity required or authorized by law and the public official, public employee or public member allocates and reimburses the governmental entity for any additional costs incurred for that portion of the activity not required or authorized by law.”²⁸³

277. WIS. STAT. § 230.40 (2025). *See also* WIS. STAT. § 11.1207 (2025) (restricting political solicitation involving public officials and employees).

278. WIS. STAT. § 230.40(1) (2025).

279. *Id.*

280. *Id.*

281. *Id.*

282. *See* Bulletin from Stacey Rolston, Deputy Administrator and Acting Director, on State Employee Political Activity, Locator No. DPM-0433-MRS (Oct. 10, 2016), <https://dpm.wi.gov/Bulletins/DPM-0433-MRS.pdf> [<https://perma.cc/8Q9J-EP8L>].

283. WYO. STAT. ANN. § 9-13-105(b)(i)–(ii) (2025).

IV. ANALYSIS AND IMPLICATIONS FOR PUBLIC HEALTH POLICY

It is evident that the State Hatch Acts prohibit a wide range of partisan political activities,²⁸⁴ from running for office, campaigning, promoting candidates to soliciting campaign funds. Many of the statutes prohibit the use of one's position to coerce or influence the political activities of others;²⁸⁵ using official authority to secure or deny employment to others based on their political views;²⁸⁶ influence or attempt to influence legislation or state ballot measures;²⁸⁷ or use any government facility or property for private business purposes including campaign activities.²⁸⁸ Some states such as Alabama,²⁸⁹ California,²⁹⁰ Hawaii,²⁹¹ Michigan,²⁹² Missouri²⁹³, Nebraska²⁹⁴, Nevada²⁹⁵, North Dakota²⁹⁶ and Washington²⁹⁷ do not expressly prohibit their public employees from participating in partisan political activities while in office. Others like Louisiana,²⁹⁸ Mississippi,²⁹⁹ and Tennessee³⁰⁰ are very strict, prohibiting their public employees from active engagement in partisan political activities with little or no exceptions. States also differ in their enforcement mechanisms. The sanctions for violation of the laws range from administrative dismissal,³⁰¹ suspension³⁰² fines,³⁰³ demotion or reduction in salary,³⁰⁴ and or criminal

284. Gely & Chandler, *supra* note 4, at 791.

285. *See e.g.*, Arizona, Connecticut, Florida, Georgia, Idaho, Kansas, Kentucky, Minnesota, Mississippi, Montana, New Hampshire, New Mexico, New York, Oklahoma, Texas,

286. *See e.g.*, ALA. CODE 1975 § 45-37-121.22 (2025); CAL. GOV'T CODE § 3204 (2025); N.M. STAT. ANN. 1978 §10-16-3.1(2025).

287. *See e.g.*, LA. REV. STAT. 25:56 (2018); MONT. CODE ANN. § 13-35-226 (2025); N.H. REV. STAT. § 15:5 (2025).

288. *See e.g.* HAW. ADMIN. CODE. § 21-7-10 (2020); 5 ILL COMP. STAT. § 430/5-15 (2025); 5 MAINE. REV. STAT. ANN. § 7056-A (2025); MD. CODE. GEN. PROVIS., § 5-506 (MD 2025).

289. ALA. CODE §17-1-4 (2025).

290. Cal. Govt. Code. § 3203 (2025).

291. HAW. REV. STAT. § 84-35.5 (2025).

292. MICH. COMP. LAWS § 15.402 (2025).

293. MO. Rev. Stat. § 36.155 (2025).

294. NEB. REV. STAT. § 20-160 (2024).

295. NEV. REV. STAT. § 613.040 (2025).

296. N.D. CENT. CODE. § 34-11.1-02 (2025).

297. WASH. REV. CODE. § 42.52.160(4) (2025).

298. LA. CONST. art. X, § 9.

299. MISS. CODE ANN. § 23-15-871 (2025).

300. TENN. CODE. ANN. § 2-19-207 (2024).

301. *See e.g.*, 71 PA. CONST. STAT. § 2705.0 (2025); WIS. STAT. § 230.40 (2024).

302. *See e.g.* ARIZ. REV. STAT. ANN. § 41-752(G) (2025) (providing that "An employee who violates any of the provisions of this section is subject to suspension of not less than thirty days or dismissal").

303. *See e.g.*, W. VA. CODE § 3-8-12 (2025).

304. NEB. REV. STAT. § 81-1315 (2025) ("Any employee violating this section shall be subject to disciplinary action. . . Such disciplinary action may include demotion, dismissal, reduction of salary, or suspension").

prosecutions.³⁰⁵ A few states have no penalties listed in their statutes.³⁰⁶

Although the twists and turns of the State Hatch Acts are manifold, there are similarities in form and function. As noted above, many of them prohibit “(1) using official authority or influence to interfere or affect the results of an election; (2) soliciting financial or manpower contributions from any political organization or candidate; (3) campaigning for partisan positions in government; and (4) engaging in political activities while on duty, in uniform, or on government property.”³⁰⁷ Many states apply these restrictions only to classified employees,³⁰⁸ while exempting others such as elected officials,³⁰⁹ employees whose functions are not connected with federally funded programs or employees of the legislative branch.³¹⁰

The State Hatch Acts can have significant influence on public health policy. In 2014, researchers estimated the governmental public health workforce to be approximately 290,000.³¹¹ Previous enumeration efforts estimated 450,000 public health workers in governmental and voluntary agencies in 2000, and 326,602 governmental public health workers in 2012.³¹² This means most, if not all, of these workers are impacted by the State Hatch Acts.

But even though the State Hatch Acts are meant to restrict politics in public service, they are unlikely to depoliticize public health practice and policy for the following reasons. First, although the Hatch Acts are supposed to ensure that government programs are administered in a nonpartisan way, many state and local boards of health leaders are appointed by the governor, legislative leaders, or elected officials.³¹³ That means many of these leaders are likely to be under pressure to follow or implement the political ideologies of their appointing authorities rather than focus on evidence based public health measures. Case in point, a Florida public health official was put on leave after he had emailed his staff citing the low COVID-19 vaccines rates and urging them to get

305. See e.g., MISS. CODE. § 97-13-37 (2025); 21 OKL. STAT. § 360 (2025); N. M. Stat. Ann. 1978, § 10-16-3 (2025).

306. See e.g., HAW. REV. STAT. § 84-35.5 (2025); N.H. REV. STAT. § 664:4-a; N.D. Cent. Code § 44-08-19(2025).

307. Gely & Chandler, *supra* note 4, at 791.

308. See e.g., CONN. GEN. STAT. § 5-196(6) (2025); DEL. CODE ANN. tit. 29, §5954(b) (2025); 71 PA. CONS. STAT. § 2103 (2025).

309. TENN. CODE ANN. § 2-19-201(3) (2025).

310. See FLA. STAT. § 110.205 (2)(b) (2025) (exempting “[a]ll members, officers, and employees of the legislative branch, except for the members, officers, and employees of the Florida Public Service Commission.”).

311. Angela Beck et al., *Enumeration of the Governmental Public Health Workforce*, 47 AM. J. PREV. MED. 306, 306–13 (2014).

312. *Id.*

313. See e.g., *Boards, Councils, and Committees*, FLA. HEALTH, <https://www.floridahealth.gov/%5C/provider-and-partner-resources/advisory-councils-stakeholder-groups/index.html> [https://perma.cc/UF7M-XRZY] (last visited Jan. 1, 2026) (“Appointments vary by board, council, or committee and may be made by the Governor, Speaker of the House, President of the Senate, State Surgeon General, and other state agencies and organizations as specified by state or federal law.”).

vaccinated.³¹⁴ As noted in Part II of this article, the entanglement of public health officials with partisan political issues is palpable at the state level.³¹⁵ Moreover, as a result of the COVID-19 pandemic, we're now living in a rapidly changing public health and policy environment. Public distrust and disenchantment with the roles and utility of public health officials has increased.³¹⁶ As new mask mandates surfaced,³¹⁷ lock downs ensued,³¹⁸ and the introduction of the COVID vaccine³¹⁹ and its progeny became compulsory, what were once viewed as evidence-based policies intended for public health and safety, became dramatized political rhetoric leading some to indulge in conspiracy theories, falsehoods, and political biases rather than take advice from public health experts.³²⁰ Given that political partisanship and polarization permeates through the core of American society today, the principle of "you're either with us or against us" approach perpetuated by the two-party system has caused political alignments that may lead to negative effects on public health and policy.³²¹

Second, just like the federal act, the State Hatch Acts are no models of clarity.³²² Although they are meant to restrict the political activities of state employees, some don't even define what political activities are, or when they

314. Amir Vera et al., *Florida Health Official Sent an Email Calling Out His Unvaccinated Colleagues. He's Now on Administrative Leave*, CNN (Jan 19, 2022, 10:37 PM), <https://www.cnn.com/2022/01/19/us/orange-county-florida-health-director-email-leave>.

315. See *supra* Part III.

316. See Jack Leslie, *The Crisis of Trust in Public Health*, THINK GLOBAL HEALTH (Feb. 14, 2023), <https://www.thinkglobalhealth.org/article/crisis-trust-public-health> [<https://perma.cc/CF4Y-UV7N>] (noting that "...there is clear evidence that trust is declining—and during the COVID-19 pandemic, trust dropped significantly.").

317. Deborah Netburn, *A timeline of the CDC's advice on face masks*, L.A. TIMES (July 27, 2021), <https://www.latimes.com/science/story/2021-07-27/timeline-cdc-mask-guidance-during-covid-19-pandemic> [<https://perma.cc/Q5TJ-9SG9>].

318. Jiachuan Wu et al., *Stay-at-home orders across the country*, NBC NEWS, <https://www.nbcnews.com/health/health-news/here-are-stay-home-orders-across-country-n1168736> [<https://perma.cc/2T7U-E37M>] (last updated Apr. 29, 2020).

319. *State Efforts to Limit or Enforce COVID-19 Vaccine Mandates*, NAT'L ACAD. FOR STATE HEALTH POL'Y, <https://nashp.org/state-tracker/state-efforts-to-ban-or-enforce-covid-19-vaccine-mandates-and-passports/> [<https://perma.cc/48DY-5AXV>] (last updated Mar. 5, 2021).

320. Leslie, *supra* note 316 (noting that "About a third of the American public espouses conservative populist views rooted in anti-elitism, and in the United States, there is a large cohort of people predisposed not to believe advice from medical experts.").

321. See Farzana Kapadia, *Polarization, Partisanship, and Political Alignment Threaten Public Health: A Public Health of Consequence*, OCTOBER 2024, 114 AM. J. PUB. HEALTH, 974, 974-76 (2024) (noting that "A conservative political alignment following the November 2024 elections could prompt legislative and policy changes with significantly harmful effects on population health and well-being in the United States.").

322. Christopher Ligatti, *Everybody Knows: Amending the Hatch Act to End the Legal Fiction that Presidential Appointees are Apolitical*, 73 DEPAUL L. REV. 1, 9 (2023) (noting that "[t]he Hatch Act itself is not model of clarity. The definition of political activity and the distinction between acting in an official or personal capacity is not entirely clear.").

do, the definitions are either fairly broad,³²³ or utterly restrictive.³²⁴ In fact, one of the most prevalent attacks on state statutes or local governmental enactments restricting political activities of public officers and employees is that the statutes are so vague as to not fully apprise the officer or employee of exactly what conduct is proscribed.³²⁵ Moreover, many limit the ban to employees in “classified service only” but unsurprisingly, states define classified service differently.³²⁶ This, of course, creates a patch work of restrictions on different groups of public employees all over the nation. The prospect of confusion is not beyond fanciful.

Third, the lack of enforcement mechanism in some of these statutes essentially renders them advisory. In comparison, at the federal level, enforcement of the Hatch Act is carried out by the Office of Special Counsel (“OSC”).³²⁷ A federal employee who violates the act is subject to disciplinary action consisting of removal, reduction in grade, debarment from federal employment for a period not to exceed 5 years, suspension, or reprimand; an assessment of a civil penalty not to exceed \$1,000; or any combination of the penalties described in the law.³²⁸ On the other hand, the deterrent effect of the State Hatch Acts that do not have enforcement sections, is unknown. So where do we go from here?

V. SUGGESTIONS FOR THE FUTURE

“The backlash against public health and ongoing politicization of public health means that the path forward for both public health leaders and the workforce is complex.”³²⁹ Nevertheless, a few suggestions are still in order. First, a number of commentators have called for public health practitioners to

323. See e.g. D.C. CODE § 1-1171.03(c) (2025) (providing “[f]or the purposes of this section, the term ‘political activity’ is not limited to activities regulated by the District and includes soliciting, accepting, receiving, or making political contributions or *other political activities*.” (emphasis added)).

324. See N.Y. LAB. LAW § 201-d(1)(a) (“Political activities shall mean (i) running for public office, (ii) campaigning for a candidate for public office, or (iii) participating in fund-raising activities for the benefit of a candidate, political party or political advocacy group”).

325. See Francis Dougherty, *Validity, Construction and Effect of State Statutes Restricting Political Activities*, 51 A.L.R.4th 702 (last updated Dec. 30, 2025).

326. See 71 PA. CONST. STAT. § 2103 (2025) (defining classified service as a position filled under the merit system of employment; CONN. GEN. STAT. § 5-196(6) (“[E]very office or position in the state service, whether full-time or part-time, for which compensation is paid, except those offices and positions specified in section 5-198 or otherwise expressly provided by statute); ALA. CODE § 36-26-10(d) (2025) (“[T]he classified service shall include all other officers and positions in the state service except as to services denominated as exempt or unclassified services . . . the Governor shall have the power by executive order to extend the provisions of this article to include additional positions or classes of positions.”).

327. U.S. OFF. SPECIAL COUNS., *supra* note 52.

328. 5 U.S.C. § 7326.

329. Valerie Yeager, *The Politicization of Public Health and the Impact on Health Officials and the Workforce: Charting a Path Forward*, 112 AM. J. PUBLIC HEALTH 734, 734–35 (2022).

actively get involved in politics. I call this the “if you can’t beat them, join them” school of thought. Researchers at the Boston University School of Public Health examined how many state legislators have degrees in public health, including graduate and undergraduate. They found that less than 0.3 percent of the 7,383 state legislators making decisions with important public health implications have formal training in public health.³³⁰ They note that “as with most fields striving to be recognized as science, there is a concern that directly engaging in legislative policy making risks undermining the integrity and credibility of research”³³¹ However, the researchers aver that there is room for more people from public health to step into the political arena without undermining the credibility of good science.³³² Others argue that “[i]f more public health leaders become involved in politics, new policies can be created based on their knowledge and expertise.”³³³

This author mostly agrees with this school of thought because “for the most part, public health officials don’t talk to state legislators, county executives, city council members or mayors,”³³⁴ That means public health practitioners are not at the table when decisions are being made, or they cannot push back effectively when their work is undermined by rampant misinformation and disinformation.³³⁵ By eschewing the political arena, public health workers cede the ground to conspiracy theorists, anti-vaccination and anti-science groups.³³⁶ But getting involved in partisan politics comes with its own sword of Damocles. The involvement of public health officials in politics creates a dangerous conflict of interest as it encourages political ideology to infect and taint the

330. David K. Jones et al., *More Public Health Leaders Should Run for Office*, 27(1) J. PUB. HEALTH MGMT. PRAC. 1 (2021).

331. *Id.*

332. *Id.*

333. Sarah Handzel, *Why public health leaders should run for office*, WOLTERS KLUWER (Mar. 1, 2021), <https://www.wolterskluwer.com/en/expert-insights/public-health-leaders-running-office> [<https://perma.cc/N5XK-RPGS>].

334. Carl Smith, *Public Health Needs a Political Strategy, Not Just Funding*, GOVERNING (Jan. 14, 2023), <https://www.governing.com/work/public-health-needs-a-political-strategy-not-just-funding> [<https://perma.cc/WGY8-7CUB>].

335. See, e.g., Anne Beckett et al., *Misusing Public Health as a Pretext to End Asylum — Title 42*, 386 NEW ENG. J. MED. 1491, 1491 (2022) (noting that “[t]he deployment of unfounded public health arguments for political ends tarnishes the CDC’s reputation, at a time when public trust in science and medical evidence is already undermined by rampant misinformation and disinformation”).

336. These terms are not used in a pejorative way. Rather, they are meant to illustrate the danger of ceding ground to misinformation and distortions of scientific facts. See, e.g., Ayelet Evrony & Arthur Caplan, *The overlooked dangers of anti-vaccination groups’ social media presence*, 13 HUM VACCINES IMMUNOTHERAPEUTICS 1475, 1475–76 (2017) (noting that “[t]here is also growing concern that false and misleading claims about science and public health are having significant impact on politics and policy in the U.S. A Voice for Choice is an example of how an anti-vaccination group can harness the power of social media to promote uncorroborated claims that engender fear.”).

decision making of public health officials.³³⁷ Indeed in *Garcetti v. Ceballos*, the U.S. Supreme Court observed that “[p]ublic employees . . . often occupy trusted positions in society. When they speak out, they can express views that contravene policies or impair the proper performance of governmental functions.”³³⁸ This contravention of policies or impairment of government functions is exactly what the federal and state Hatch Acts were meant to prevent.³³⁹ Nevertheless, given all the considerations discussed above, it is better for public health to be at the table than not at the table.

Second, assuming, arguendo, that the “if you can’t beat them, join them” school of thought is impracticable, another option maybe be to decouple politics from public health.³⁴⁰ This, of course, would be the ideal solution, but it may be naïve to think that this can be truly done, since in many ways, public health is always political.³⁴¹ However, we can try. As one commentator observed “[w]ill science ever completely outweigh polarizing politics and people’s own loyalties, fixed ideas, and fears? It never has and it probably never will, but that doesn’t mean we can’t make strides in that direction with the aim of creating better health outcomes for individuals and communities.”³⁴² Just because politics is inextricably linked with public health policy does not mean we should insist upon keeping it that way. That is, public health practitioners should not sit back and wait for a political blood bath to descend before taking action. It is okay to try to decouple. One way to reduce the impact of politics in public health is to refrain from advocating purely political positions.³⁴³

337. See Gely & Chandler, *supra* note 4, at 777 (noting that “[o]n the one hand, the dangers associated with allowing politics to interfere in the delivery of public services have been clearly recognized. . .”).

338. *Garcetti v. Ceballos*, 547 U.S. 410, 418–19 (2006).

339. See generally *U.S. Civil Service Comm. v. Nat’l Ass’n of Letter Carriers*, 413 U.S. 548, 597 (1973) (Douglas, J. dissenting) (“But it is of no concern of Government what an employee does in his spare time, whether religion, recreation, social work, or politics is his hobby—unless what he does impairs efficiency or other facets of the merits of his job.”).

340. See Edward L. Hunter, *Politics and Public Health—Engaging the Third Rail*, 22 J. PUB. HEALTH MGMT. & PRAC. 436 (2016) (noting that “Among professionals in public health, the political system is commonly viewed as a subway’s third rail: avoid touching it, lest you get burned”).

341. Travis Bias, *Public Health Is Always Political*, THINK GLOBAL HEALTH (May 5, 2020), <https://www.thinkglobalhealth.org/article/public-health-always-political> [<https://perma.cc/5M6D-LMT9>].

342. Bernhardt, *supra* note 2.

343. Case in point is Florida’s Surgeon General, Dr. Joseph Ladapo, who appeared at a New Hampshire campaign rally to support Florida Governor Ron DeSantis’ candidacy for the Republican primary. See Kimberly Leonard, *Ladapo campaigns with DeSantis in New Hampshire*, POLITICO (Nov. 1, 2023, 7:04 AM), <https://www.politico.com/newsletters/florida-playbook/2023/11/01/ladapo-campaigns-with-desantis-in-new-hampshire-00124681> [<https://perma.cc/NC7E-VLG9>] (noting that “[i]t’s unusual for a government official to appear at a campaign event for his boss’ presidential bid”); see also Robert M. Califf, *Letter to Joseph A. Ladapo, M.D., Ph.D., State Surgeon General, Fla. Dep’t of Health*, U.S. FOOD & DRUG ADMIN. & CTRS. FOR DISEASE CONTROL & PREVENTION (Mar. 10, 2023), <https://www.cdc.gov/media/>

Third, is better communication. It has been widely acknowledged that during the pandemic, public health leaders bungled communication with the public about what should or should not be done.³⁴⁴ Some people were told that vaccines were a cure for COVID-19, rather than a means of preventing viral and bacterial diseases by boosting the body's natural immune responses. So, when those who were vaccinated still got COVID-19, some concluded that vaccines did not work. This may have led to a distrust of the public health system.³⁴⁵ For example, during the pandemic, despite ample studies that showed vaccine effectiveness, many conservatives said they did not believe the public health orders were effective in saving lives.³⁴⁶ This could have been avoided through better messaging.

Many a times, what we deem as politicization of public health maybe borne of the failure of public health practitioners to communicate effectively with the public regarding the efficacy of public health measures “Public health advocates often do not present their arguments in the same terms as others who seek political influence.”³⁴⁷ Better messaging requires an understanding of those who push back against public health measures, and why they do so. Public health practitioners have often viewed those opposed to public health measures as uneducated, uninformed, antivaxxers, or conspiracy theorists.³⁴⁸ But this is not always the case. Sometimes people have reasonable grounds for opposing public

pdf/releases/2023/CDC-FDA-Letter-to-FL-Dept-of-Health-03.10.2023.pdf [https://perma.cc/F93C-855T] (responding to Florida Surgeon General Joseph Ladapo's misinformation on vaccines and warning that “[m]isleading people by overstating the risks, or emphasizing the risks without acknowledging the overwhelming benefits, unnecessarily causes vaccine hesitation and puts people at risk of death or serious illness that could have been prevented by timely vaccination”).

344. See e.g., Erika Edwards, *How the CDC's communication failures during Covid tarnished the agency*, NBC NEWS (Oct. 1, 2022, 5:29 AM), <https://www.nbcnews.com/health/health-news/cdcs-communication-failures-covid-tarnished-agency-rcna46425> [https://perma.cc/9A7X-4HUF] (noting that “[p]roblems communicating guidance continued. The agency later flip-flopped on critical advice for the public, such as when people should wear masks, who should be tested after a Covid exposure and how the virus spreads.”).

345. See e.g., Katy Evans & Emma Dewhurst, *Communicating About Public Health in Turbulent Times*, DE BEAUMONT (Apr. 17, 2025), <https://debeaumont.org/news/2025/communicating-about-public-health-in-turbulent-times/> [https://perma.cc/5GMZ-6B3B] (noting that “The United States is facing a crisis of understanding, trust, and confidence in public health institutions and guidance, fueled by misinformation and politicization — and weak communication is at the core of these challenges”).

346. See Lauren Weber, *Covid backlash hobbles public health and future pandemic response*, WASH. POST (Mar. 8, 2023), <https://www.washingtonpost.com/health/2023/03/08/covid-public-health-backlash/> [https://perma.cc/DA7D-R86C] (noting that “many conservatives said they did not believe the public health orders were effective in saving lives, despite evidence to the contrary.”).

347. Hunter, *supra* note 340, at 437.

348. See Dr. A. v. Hochul, 142 S. Ct. 552, 553 (2021) (Gorsuch, J. dissenting) (noting that “[t]hese applicants are not [‘]anti-vaxxers[‘] who object to all vaccines.”).

health measures, be it political, religious or personal (fear or anger).³⁴⁹ A little understanding from public health practitioners may go a long way in assuaging their fears. Put succinctly, unscientific skepticism should be addressed with understanding and civility, not derision, animosity or expressions of incredulity.

VI. CONCLUSION

This article presents a fascinating discussion of an important question and nicely illuminates the conflicting considerations that lie at the heart of the debate over whether public health officials should get involved in partisan political activities. The article avers that the involvement of public health officials in politics at the state and federal level does not portend well for the health of the nation. Nevertheless, there is some value in public health officials getting actively engaged in politics. This is because “[p]olitics, for better or worse, plays a critical role in health affairs”³⁵⁰ A review of both the federal Hatch Act and the equivalent State Hatch Acts in the fifty states reveals that although some are more robust than others, they are unlikely to depoliticize public health practice either because many public health leaders serve as political appointees of the governor and are under pressure to conform with the administration’s political agendas. Additionally, some of the Hatch Acts are overly permissive or lack enforcement mechanisms. The comprehensive fifty state survey is particularly valuable and provides much-needed empirical data on this underexplored area of public health law. The article concludes by making three straight forward recommendations, namely, active involvement in political activities by public health workers where permissible, or in the alternative decoupling politics from public health, and finally, better communication with the public during a health crisis.

349. *Id.* at 559 (Gorsuch, J. dissenting) (noting “[t]oday, our Nation faces not a world war but a pandemic. Like wars, though, pandemics often produce demanding new social rules aimed at protecting collective interests—and with those rules can come fear and anger at individuals unable to conform for religious reasons”).

350. See Thomas R. Oliver, *The Politics of Public Health Policy*, 27 ANN. REV. PUB. HEALTH 195 (2006).